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MEETING MINUTES

Tuesday, January 4, 2005
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

MATT GONZALEZ, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, AARON PESKIN, GERARDO SANDOVAL

Members Present: *Michela Alioto-Pier, Tom Ammiano, Bevan*

Dufty, Sean Elsbernd, Matt Gonzalez, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Aaron Peskin, Gerardo Sandoval.

Members Excused: *Chris Daly.*

Members Absent: *None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:08 p.m. On the call of the roll Supervisors Alioto-Pier, Daly, were noted absent.

Quorum present.

Supervisor Alioto-Pier was noted present at 2:23 p.m.

Supervisor Daly was previously excused from attending today's meeting.

(See Infra)

Supervisor Daly Excused from Attendance

Supervisor Dufty, seconded by Supervisor McGoldrick, moved to excuse Supervisor Daly from attending today's meeting. The motion carried by the following vote:

Ayes: 9 - Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - Daly

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to approve November 23, 2004 and December 7, 2004 Meeting Minutes. The motion carried by the following vote:

Ayes: 9 - Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - Daly

AGENDA CHANGES

3 1223 06447 3656

CONSENT AGENDA

Recommendations of the City Services Committee

041529 [Liquor License Transfer, 699 Third Street]

Resolution determining that the transfer of a Type 21 off-sale general alcoholic beverage control license from 681 Third Street to 699 Third Street (District 6) to Joseph Kim for the Third & Townsend Corner Store will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code; with conditions. (City Services Committee)

Enacted Number: 2-05
ADOPTED

041608 [Liquor License - Ferry Building Marketplace, Unit 33, The Embarcadero]

Resolution determining that the transfer of a Type 20 off-sale beer and wine alcoholic beverage control license from 355 Bayshore Boulevard to Ferry Building Marketplace, Unit 33, The Embarcadero (District 3), and the issuance of a Type 42 on-sale beer and wine public premises license at the same location, to Boriana Stoilova for I Preferiti Di Boriana Montepulciano LLC will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code. (City Services Committee)

Enacted Number: 9-05
ADOPTED

041581 [Accept - Expend State Grant] Supervisors Dufty, Maxwell

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to accept and expend funds in the amount of $38,014 from the State Board of Corrections (BOC), from funds made available under the Juvenile Justice and Delinquency Prevention Act of 1974 ("Federal Juvenile Justice Challenge Funds") for developing and adopting policies and programs to provide basic health, mental health, and appropriate education services, including special education, for youth in the juvenile justice system.

Enacted Number: 7-05
ADOPTED

041587 **[SFHIV Vaccine Clinical Trials Network, Year 2004 to 2005, and add 0.25 of a New Position to the Year 5 Budget]** Supervisors Dufty, Ammiano

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of $481,758 with Public Health Foundation Enterprises Inc. (PHFE), the primary contractor, to fund the fifth year of the SFDPH portion for "San Francisco HIV Vaccine Clinical Trials", a unit of the HIV Vaccine Trials Network (HVTN) and to add 0.25 of a new position not included in the original agreement; for the period of June 1, 2004 to May 31, 2005.

Enacted Number: 8-05
ADOPTED

041651 **[Expand treatment capacity for methamphetamine abuse in San Francisco]** Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept retroactively and expend grant funds in the amount of $497,910 from the Center for Substance Abuse Treatment/Substance Abuse and Mental Health Services (CSAT/SAMHSA) to expand treatment capacity for methamphetamine abuse in San Francisco and to enter into an agreement for the use of these funds; for the period of September 30, 2004, to September 29, 2005. (Public Health Department)

Enacted Number: 11-05
ADOPTED

041658 **[Contract funds to support sustainable school-based health care]**

Resolution authorizing the San Francisco Department of Public Health, Balboa Teen Health Center, Community Health Programs for Youth (SFDPH), to enter retroactively into an agreement with Public Health Institute, California School Health Centers Association (PHI/CSHC) the primary contractor, and expend funds in the amount of $18,820 to support advocacy at the local, state, and national levels for sustainable school-based health care; for the period of August 1, 2004 to July 31, 2005. (Public Health Department)

Enacted Number: 12-05
ADOPTED

041696 [Accept-Expend Federal Grant] Supervisors Elsbernd, Dufty

Resolution Authorizing the Chief of Police for the City and County of San Francisco to accept and expend grant funds made available through the U.S. Department of Justice - Office of Community Oriented Policing for a project entitled "U.S. Department of Justice - Universal Hiring Program."

Enacted Number: 17-05

ADOPTED

041697 [Accept-Expend Federal Grant - Special Emphasis Victim Assistance Program: Elder Abuse] Supervisors Peskin, Elsbernd

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $110,000 through the California Governor's Office of Emergency Services, Criminal Justice Programs Division, for the operation of a program entitled "Special Emphasis Victim Assistance Program: Elder Abuse."

Enacted Number: 18-05

ADOPTED

041698 [Accept-Expend Federal Grant - Special Emphasis Victim Assistance Program - Homicide] Supervisors Maxwell, Dufty

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $110,000 through the California Governor's Office of Emergency Services, Criminal Justice Programs Division, for the operation of a program entitled "Special Emphasis Victim Assistance Program-Homicide."

Enacted Number: 19-05

ADOPTED

Recommendations of the Finance and Audits Committee

041466 [Extending the Yerba Buena Center Redevelopment Plan by One Year] Supervisor Daly

Ordinance amending the Yerba Buena Center Redevelopment Plan to extend by one year the time limit on the effectiveness of the Yerba Buena Center Redevelopment Plan and the time limit to receive property taxes and repay indebtedness pursuant to Senate Bill 1045.

Enacted Number: 1-05
FINALLY PASSED

041583 [Appropriate fund balance for the Port of San Francisco's Pier 35 Security Enhancements Project (Port's Cruise Ship Terminal)] Mayor

Ordinance appropriating $980,349 of unappropriated fund balance from the Port for the Pier 35 Security Enhancement Project, the Port's Cruise Ship Terminal, to fund the second phase of the construction contract for Fiscal Year 2004-05.

(Fiscal impact.)

Enacted Number: 4-05
FINALLY PASSED

Recommendations of the Rules Committee

041484 [Settlement of the Lawsuit - Pamela Nash]

Ordinance authorizing settlement of the lawsuit filed by Pamela Nash against the City and County of San Francisco for $100,000; the lawsuit was filed on February 7, 2003, in the United States District Court, Northern District of California, Case No. C-03-01221-CW; entitled Pamela Nash v. City and County of San Francisco, et. al.

Enacted Number: 2-05
FINALLY PASSED

041487 [Mayor's Office on Disability] Supervisors Alioto-Pier, Daly

Ordinance amending the San Francisco Administrative Code by amending the title to Chapter 2A, Article 1 to add the Department of Administrative Services and by adding a new Section 2A.22 to Chapter 2A, Article 1 to create the Mayor's Office on Disability and place it within the Department of Administrative Services and empower the Mayor's Office on Disability to issue, subject to approval by ordinance of the Board of Supervisors, policies and procedures with respect to compliance with the Americans with Disabilities Act (Public Law 101-336) and other disability rights laws and disability access regulations and codes.

Enacted Number: 3-05

FINALLY PASSED

041606 **[Settlement of Lawsuit - Eugene Duffy]**

Ordinance authorizing settlement of the lawsuit filed by Eugene Duffy against the City and County of San Francisco for $30,000; the lawsuit was filed on June 13, 2003, in San Francisco Superior Court, Case No. 421395; entitled Eugene Duffy, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

041648 **[Settlement of Lawsuit - Steve Potter]**

Ordinance authorizing settlement of the lawsuit filed by Steve Potter against the City and County of San Francisco for $50,000 paid to the City and County of San Francisco by Cross-Defendant OneBeacon; the lawsuit was filed on March 20, 2003 in the United States District Court, Case No. C03-1217 MEJ; entitled Steve Potter, et al., v. City and County of San Francisco, et al; other material terms of said settlement are Cross-Defendant OneBeacon will pay $195,000 to plaintiff and plaintiff's counsel and $100,000 to co-defendant Palace of Fine Arts Theater League. (City Attorney)

PASSED, ON FIRST READING

041167 **[Appointment - Library Citizens Advisory Committee]**

Resolution appointing Maryam Daryabegi-Farhang, term ending July 18, 2006, to the Library Citizens Advisory Committee.

Maryam Daryabegi-Farhang, new appointment, seat 13, must be a member from the community at large, representative of New Americans for whom English is a second language, for the unexpired portion of a two-year term ending July 18, 2006.

Enacted Number: 5-05

ADOPTED

041634 **[Settlement of Unlitigated Claim]**

Resolution approving the settlement of the unlitigated Claim No. 04-03446 filed by National Mutual Insurance Company as subrogee for the Chinese American War Veterans on May 10, 2004 against the City and County of San Francisco for $61,192.99. (City Attorney)

Enacted Number: 10-05
ADOPTED

041667 **[Appointment - Citizens' General Obligation Bond Oversight Committee]** **Supervisor Elsbernd**

Resolution appointing William Wong and John Hentz, terms ending November 21, 2006, to the Citizens' General Obligation Bond Oversight Committee; residency requirement waived.

William Wong (residency requirement waived), succeeding himself, term expired November 21, 2004, seat 2, must be active in labor organizations, for the unexpired portion of a two-year term ending November 21, 2006. John Hentz, succeeding himself, term expired November 21, 2004, seat 3, must be active in a community organization, for the unexpired portion two-year term ending November 21, 2006.

Enacted Number: 13-05
ADOPTED

041670 **[Appointment - Ballot Simplification Committee]**

Resolution appointing Alma Carroll, Betty Packard and Suzanne Strassevitch, terms ending November 30, 2006, to the Ballot Simplification Committee.

Alma Carroll, succeeding herself, term expired, seat 1, must represent the National Academy of Television Arts and Sciences, Northern California Chapter or the Northern California Broadcasters Association, for the unexpired portion of a two-year term ending November 30, 2006. Betty Packard, succeeding herself, term expired, seat 2, must represent the National Academy of Television Arts and Sciences. Northern California Chapter or the Northern California Broadcasters Association, for the unexpired portion of a two-year term ending November 30, 2006. Suzanne Strassevitch, succeeding herself, term expired, seat 3, must represent the League of Women Voters of San Francisco, for the unexpired portion of a two-year term ending November 30, 2006.

Enacted Number: 14-05
ADOPTED

041672 **[Appointment - Developmental Disabilities Area Board V]**

Resolution appointing Jennifer Walsh, term ending December 31, 2007, to the Developmental Disabilities Area Board V.

Jennifer Walsh, succeeding Sara Desumala, term expiring December 31, 2004, seat 2, must have a demonstrated interest and leadership in human

services, for a new three-year term ending December 31, 2007.

Enacted Number: 15-05
ADOPTED

041715 **[Appointment - Bicycle Advisory Committee]** **Supervisor Elsbernd**

Resolution appointing Elbert Hill, term ending November 19, 2006, to the Bicycle Advisory Committee.

Elbert Hill, succeeding William Henning, term expired, seat 7, must be a nominee of District 7 Supervisor, for the unexpired portion of a two-year term ending November 19, 2006.

Enacted Number: 20-05
ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 9 - Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - Daly

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Finance and Audits Committee

041492 **[Appropriate funding from the Department of Human Services to increase available funding in the Department of Public Health for self-help services to the homeless]** **Supervisor Daly**

Ordinance appropriating $283,809 from the Department of Human Services to fund peer based self-help services for chronically homeless people in the Tenderloin for the Department of Public Health for fiscal year 2004-2005.

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override. The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on January 8, 2005. Therefore, the Board will loose the ability to override the veto unless it votes on or before February 8, 2005. (Fiscal impact.)

FINALLY PASSED by the following vote:

Ayes: 6 - Ammiano, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 3 - Dufty, Elsbernd, Ma
Absent: 1 - Alioto-Pier
Excused: 1 - Daly

041588 **[License Fees]** **Supervisor Daly**

Ordinance amending the San Francisco Municipal Code Business and Tax Regulations Code by amending Sections 35, 120, 248, 249.1, and 249.12, relating to fees for licenses or permits for inspections by the Department of Public Health.

Enacted Number: 5-05

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - Daly

Recommendations of the Land Use Committee

041067 **[Amending Planning Code Section 703.3 to designate formula retail uses as a conditional use in the Haight Street Neighborhood Commercial District]** **Supervisors Gonzalez, Daly**

Ordinance to amend the Planning Code by amending section 703.3 to designate formula retail uses as a conditional use in the Haight Street Neighborhood Commercial District and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Enacted Number: 8-05

FINALLY PASSED by the following vote:

Ayes: 7 - Ammiano, Dufty, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Elsbernd, Ma
Absent: 1 - Alioto-Pier
Excused: 1 - Daly

041664 **[Hunters Point Shipyard - Health Code - Fees]**

Ordinance amending the Health Code by adding section 3108 to authorize the Department of Public Health to charge fees to defray the costs of implementation of Article 31 of the Health Code and making environmental findings.

Enacted Number: 6-05

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - Daly

041665 **[Hunters Point Shipyard - Subdivision Code - Fees]**

Ordinance amending the San Francisco Subdivision Code by adding Sections 1615, 1649, and 1664(e) to establish fees to defray the costs of implementation of Subdivision Code, Division 3, Articles 1-8 and making environmental findings.

Enacted Number: 7-05

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - Daly

NEW BUSINESS

Recommendations of the City Services Committee

040559 **[Waiver of payment for additional police services]** **Supervisors Maxwell, Dufty**

Ordinance waiving payment of additional police services incurred by Black Diamond Dynasty for the production of the 2002 Juneteenth Festival pursuant to Article 10B.2 of the Administrative Code.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Alioto-Pier

Excused: 1 - Daly

041350 **[Amending and Adding to Section 184.78 of the Public Works Code Regarding Banners]** **Supervisors Ma, Dufty**

Ordinance amending and adding to Section 184.78 of the Public Works Code make findings as to the purposes served by banners, to create five categories of permitted banners, to generally prohibit banners in residential districts, to restrict banners in certain neighborhood commercial and residential commercial districts, to require installer name and service phone numbers on all banners, to provide for processing and inspection fees for banner permits, to index those fees, beginning in fiscal year 2005-2006, to the Consumer Price Index, to provide appropriate penalties for violations of Section 184.78, and to provide that bonds may be required to be posted prior to receipt of a banner permit.

Supervisor Ma, seconded by Supervisor Dufty, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Daly

Ordinance amending and adding to Section 184.78 of the Public Works Code make findings as to the purposes served by banners, to create five categories of permitted banners, to generally prohibit banners in residential districts, to require installer name and service phone numbers on all banners, to provide for processing and inspection fees for banner permits, to index those fees, beginning in fiscal year 2005-2006, to the Consumer Price Index, to provide appropriate penalties for violations of Section 184.78, and to provide that bonds may be required to be posted prior to receipt of a banner permit.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Daly

Supervisor Alioto-Pier noted present at 2:23 p.m.

041494 **[Humane Treatment of all Companion Dogs]** **Supervisor Dufty**

Ordinance amending the San Francisco Health Code by amending sections 41.12 and 41.13 to insure the humane treatment of all companion dogs including sentry and guard dogs throughout the City and County of San Francisco by instituting shelter, water, feeding and confinement standards.

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 8 - Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Sandoval
Noes: 2 - Alioto-Pier, Peskin
Excused: 1 - Daly

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 8 - Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Sandoval
Noes: 2 - Alioto-Pier, Peskin
Excused: 1 - Daly

041554 **[Amending Health Code Section 42.3 to authorize hearing officer to prohibit owner of a dog declared vicious and dangerous from owning dogs for three years]** **Supervisor Dufty**

Ordinance amending San Francisco Health Code Section 42.3, to add the authority of a hearing officer to prohibit the owner of a vicious dog from owning dogs for a period of three years.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, Peskin, Sandoval
Absent: 1 - McGoldrick
Excused: 1 - Daly

041555 **[Creating requirement to exchange identification information when dog involved in bite of human or animal]** **Supervisor Dufty**

Ordinance amending San Francisco Health Code by adding Section 39 to create requirement of exchange of identification and rabies information after a dog bites a human or animal and by amending Section 41.11 by moving requirement of dog bite reporting to Section 39.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, Peskin, Sandoval
Absent: 1 - McGoldrick
Excused: 1 - Daly

040213 **[Community Audit for the Southeast neighborhoods in San Francisco]** **Supervisor Dufty**

Resolution requesting the City Controller to initiate a Community Audit addressing needs in the Southeast sector, to consider, document and

evaluate community needs as well as do an assessment of community benefit programs, capacity building, City services and City-funded programs.

Enacted Number: 3-05

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Daly

041160 **[Liquor License, 371-373 Broadway]**

Resolution disapproving the request for the issuance of a Type 48 on-sale general public premises liquor license to David Seto for Seto Enterprises Inc., located at 371-373 Broadway (District 3), and determining that it will not serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code. (City Services Committee)

Enacted Number: 4-05

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Daly

Recommendations of the Finance and Audits Committee

040731 **[Conduct a Nexus Study On Imposition of the Park Fee on Uses Other Than Office On Geographic Areas of the City Other than C-3 Use Districts]** **Supervisor Peskin**

Ordinance amending Planning Code Section 139 to provide that $100,000 of Downtown Special Park Fund monies shall be used to fund a nexus study, under the direction of the General Manager of the Recreation and Park Department, to examine whether the Downtown Park Fee should be imposed on uses other than office and on geographic areas of the City other than C-3 use districts, prohibiting use of Downtown Park Fee monies on improvements for Ferry Park until that nexus study is completed unless use of such monies is approved by a financial committee of the Board of Supervisors, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan. (Mayor)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Daly

041351 **[Contract for Electric Services]** Supervisor Ma

Ordinance approving two contracts between the City and County of San Francisco and the United States, through the Department of Energy Western Area Power Administration, for electric services required to ensure reliable delivery of low cost electric power for use at Treasure Island on file with the Clerk of the Board of Supervisors in File No. 041351; and approving indemnifying and holding harmless the United States against claims arising from the activities of the City under the contract; and waiving requirement of Section 21.35 of the San Francisco Administrative Code that every contract contain a statement regarding liability of claimants for submitting false claims; and waiving requirement of Section 21.19 of the San Francisco administrative code that every contract contain a statement regarding guaranteed maximum costs.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Daly

041467 **[Extending Redevelopment Agency's Times for Incurring and Repaying Debt for Affordable Housing Development]** Supervisor Daly

Ordinance approving, for the redevelopment plans listed below, the extension of existing time limits in each plan for establishment of loans, advances and indebtedness and for repayment of indebtedness for the exclusive purpose of financing Low and Moderate Income Housing Fund activities: (1) the Embarcadero-Lower Market (Golden Gateway) Redevelopment Plan, (2) the Hunters Point Redevelopment Plan, (3) the India Basin Industrial Park Redevelopment Plan.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Daly

041584 **[Appropriate settlement funds to fund the development costs associated with the San Francisco Electrical Reliability Project]** Mayor

Ordinance appropriating $2,666,667 of fund balance from the Hetch Hetchy estimated revenues from the litigation settlement against The Williams Companies, Inc. and Williams Marketing Energy Marketing & Trading

Company to the San Francisco Electrical Reliability Project for fiscal year 2004-05. Appropriated funds will facilitate the development costs related to the City power plants.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Daly

041630 **[Eliminating the Office of Emergency Services Revolving Fund]** — Supervisor Ma

Ordinance amending the San Francisco Administrative Code by repealing Section 10.142, to eliminate the Office of Emergency Services Revolving Fund. (Emergency Communications Department)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Daly

041169 **[Municipal Railway Professional Services Contract CS-123, Amendment No. 7]**

Resolution authorizing the Director of Transportation to execute an amended version of Amendment No. 7 to San Francisco Municipal Railway Contract No. CS-123, Professional Design and Construction Support Services for Muni Metro Third Street Light Rail Project, with WPK Third Street Consultants, for additional construction support services, for an amount not to exceed $675,000, and a total contract amount not to exceed $10,806,206, and to extend the contract for one year. (Municipal Transportation Agency)

(Fiscal impact.)

Enacted Number: 6-05

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Daly

Recommendation of the Land Use Committee

041151 **[Ellis Act amendments by California Legislature: expand residential tenant relocation payment eligibility where units are withdrawn from rental market under Ellis; prohibit owner** — Supervisors Peskin, Ammiano, McGoldrick, Gonzalez, Daly, Mirkarimi

withdrawal

Ordinance implementing recent California State Legislature amendments of the Ellis Act (California Government Code □7060 et seq., see □7060 and 7060.1), by amending the San Francisco Residential Rent Stabilization and Arbitration Ordinance (Administrative Code Chapter 37) at Sections 37.9(a)(13) and 37.9A(e) to provide that: when residential units are withdrawn from the rental market pursuant to the Ellis Act, each tenant who is relocated is entitled to a payment of $4,500 up to a maximum total per unit of $13,500 (37.9A(e)), for tenants who reside in their units on or after August 10, 2004, with these payment amounts to increase annually commencing March 1, 2005 according to the "rent of primary residence" expenditure category of the Consumer Price Index (CPI) for the preceding 12 months; and, owners may not withdraw defined residential hotel units from the rental market pursuant to the Ellis Act if the hotel's occupancy permit was issued prior to January 1, 1990, and if the hotel did not file a notice of intent prior to January 1, 2004 to withdraw the units from the rental market (Section 37.9(a)(13)). Also amending Section 37.9A(e) to provide that the existing additional relocation payment of $3,000 to each senior (62 or older) or disabled tenant displaced when residential units are withdrawn from the rental market pursuant to the Ellis Act will likewise increase annually commencing March 1, 2005 according to the "rent of primary residence" expenditure category of the CPI for the preceding calendar year (see Section 37.9A(e)(3)(D)).

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Ammiano, Dufty, Elsbernd, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Alioto-Pier, Ma
Excused: 1 - Daly

Recommendations of the Rules Committee

Supervisor Dufty Excused From Voting

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved to excuse Supervisor Dufty from voting on this matter. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 2 - Daly, Dufty

041671 **[Appointment - Golden Gate Bridge, Highway and Transportation District]**

Resolution appointing Supervisor Bevan Dufty, term ending January 31, 2005, to the Board of Directors, the Golden Gate Bridge, Highway and

Transportation District.

Supervisor Bevan Dufty, succeeding Supervisor Michela Alioto-Pier, resigned, seat 5, must be member of the Board of Supervisors, for the unexpired portion of a two-year term ending January 31, 2005.

Enacted Number: 1-05

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 2 - Daly, Dufty

Supervisor McGoldrick Excused From Voting

Supervisor Elsbernd, seconded by Supervisor Dufty, moved to excuse Supervisor McGoldrick from voting on this matter. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, Peskin, Sandoval
Excused: 2 - Daly, McGoldrick

041674 **[Appointment - Bay Area Air Quality Management District Board of Directors]**

Resolution appointing Supervisor Jake McGoldrick, term ending February 1, 2009, to the Bay Area Air Quality Management District Board of Directors.

Supervisor Jake McGoldrick, succeeding himself, term expiring February 1, 2005, seat 1, must be a member of the Board of Supervisors, for a new four-year term ending February 1, 2009.

Enacted Number: 16-05

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, Peskin, Sandoval
Excused: 2 - Daly, McGoldrick

CALLED FROM COMMITTEE

040329 **[Conditional approval of an historical property contract for the Chronicle Building Market Street - The Chronicle Building]**

Resolution under Chapter 71 of the San Francisco Administrative Code, conditionally approving an historical property contract between 690 HTC LLC and 690B LLC, the owners of conditional landmark No. 243 at 690 Market Street and the City and County of San Francisco, conditionally authorizing the Director of Planning and the Assessor to execute the

historical property contract.

Supervisor McGoldrick, seconded by Supervisor Peskin, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Daly

Resolution under Chapter 71 of the San Francisco Administrative Code, conditionally approving an historical property contract between 690 HTC LLC and 690B LLC, the owners of the existing Chronicle Building, a structure with an eleven story tower and adjoining sixteen story tower located at 690 Market Street, also known as conditional Landmark No. 243 and the City and County of San Francisco, conditionally authorizing the Director of Planning and the Assessor to execute an historical property contract at such time as the Chronicle Building becomes Landmark 243, the Board of Supervisors determines that the rehabilitation plan for the Chronicle Building has been completed, and the City is fully compensated for its time and material costs in processing and administering the application for an historical property contract for the Chronicle Building.

Continued to January 11, 2005

Supervisor McGoldrick, seconded by Supervisor Peskin, moved that this Resolution be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Daly

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Peskin, seconded by Supervisor Dufty, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Daly

Supervisor McGoldrick recognized Supervisor Matt Gonzalez's accomplishments and expressed his appreciation to Supervisor Gonzalez.

Supervisor Sandoval expressed his appreciation to Supervisor Matt Gonzalez.

Supervisor Alioto-Pier expressed her appreciation to Supervisor Matt Gonzalez.

Supervisor Dufty expressed his appreciation to Supervisor Matt Gonzalez.

Supervisor Maxwell expressed her appreciation to Supervisor Matt Gonzalez.

Supervisor Elsbernd expressed his appreciation to Supervisor Matt Gonzalez.

Supervisor Ma expressed her appreciation to Supervisor Matt Gonzalez.

Supervisor Ammiano expressed his appreciation to Supervisor Matt Gonzalez.

City Attorney Dennis Herrera expressed his appreciation and wished Supervisor Gonzalez much success.

Supervisor Gonzalez expressed his appreciation to the Members of the Board of Supervisors.

Supervisor Peskin welcomed, introduced and presented a Certificate of Honor to San Francisco Health Inspectors.

Recess

The Board recessed at the hour of 4:07 p.m

Reconvening of the Board

The Board at the hour of 4:25 p.m. reconvened.

Calling the Roll

On call of the roll, the following Supervisors were noted present:

Supervisors Alioto-Pier, Dufty, Elsbernd, Gonzalez, Ma,

Maxwell, Peskin, - 7

Quorum present.

Supervisor Ammiano was noted present at 4:26 p.m.

Supervisor Sandoval was noted present at 4:27 p.m.

Supervisor McGoldrick was noted present at 4:40 p.m.

SPECIAL ORDER 4:00 P.M.

041641 **[Public Hearing - Appeal of Final Mitigated Negative Declaration for 329 Bay Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department, approving a Final Mitigated Negative Declaration (Case No. 2003.1152E) adopted and issued on June 22, 2004, for the proposed demolition of an existing one-story, 8,550, square-foot retail building, and the construction an approximately 39,000 gross-square-foot, four-story building consisting of 21 dwelling units, approximately 2,000 gross square feet of retail space, and 21 below-grade parking spaces. The rectangular-shaped project site is on the south side of Bay Street within the City block bounded by Bay, Powell, Francisco, and Mason Streets (bisected east-west by Vandewater Street). The site is in the North Beach area of San Francisco, located at 329 Bay Street, on Assessor's Block 41, Lot 36.

The basis for the appeal is the proposed removal of the existing tree (40 year-old Blackwood Acacia, Acacia melanoxylon) on the Vandewater Street during construction. (Appellants: Arthur Chang, Katherine Petrin, and Carolyn Blair.)

(Appeal filed November 29, 2004 by Arthur Chang, Katherine Petrin, and Carolyn Blair; companion measure to Files 041642, 041643, 041644, 041716, 041717, 041718; District 3.)

Matter of Appeal Being Timely Filed

Katherine Petrin; Appellant

David Cincotta, Attorney for Project Sponsor; CST Associates

Hearing on Matter of Appeal of Negative Declaration

Katherine Petrine, Arthur Chang and Carolyn Blair; Appellants for Vandewater Street Neighbors

Howard Strassman, Sierra Club; support of appellant

Wendy Hampton; support of appellant

Mark Bruno; support of appellant

Anthony Ampgander; support of appellant

Carolyn Blair; support of appellant

Male Speaker; support of appellant

Francisco di Costa; support of appellant

Paul Maltzer, Planning Department representative reviewed the Planning Department's recommendation with the Board.

David Cincotta; Attorney for project sponsor

Tony Chan; CST Associates project sponsor

Roy Leggett, Consulting arborist; support of project sponsor

Chuck Tang; support of project sponsor

Female Speaker; support of project sponsor

President inquired as to whether any member of the public wished to address the Board.

The President declared the public comment on this matter closed.

Rebuttal Period

Katherine Petrin, Appellant

HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the negative declaration decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

041642 **[Finding appeal of the negative declaration for 329 Bay Street untimely]**

Motion finding the appeal of the negative declaration issued on June 22, 2004 for 329 Bay Street not timely filed. (Clerk of the Board)

Supervisor Peskin, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Daly

041643 **[Finding negative declaration appeal of 329 Bay St. timely]**

Motion finding the appeal of the negative declaration issued on June 22, 2004, for 329 Bay Street timely filed. (Clerk of the Board)

Enacted Number: M05-3

Supervisor Peskin, seconded by Supervisor Alioto-Pier, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Daly

041644 **[Preparation of findings related to the timeliness of the negative declaration appeal for 329 Bay Street]**

Motion directing the Clerk of the Board to prepare findings related to the timeliness of the negative declaration appeal for 329 Bay Street. (Clerk of the Board)

Enacted Number: M05-4

Supervisor Peskin, seconded by Supervisor Alioto-Pier, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Daly

(Only one of the following two motions should be adopted.)

041716 **[Affirm approval of the negative declaration for 329 Bay Street]**

Motion affirming Planning Department adoption of the final negative declaration for 329 Bay Street. (Clerk of the Board)

Supervisor Peskin, seconded by Supervisor Ammiano, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 6 - Ammiano, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Dufty, Elsbernd, Ma
Excused: 1 - Daly

041717 **[Reversing approval of the negative declaration for 329 Bay Street]**

Motion reversing the Planning Department approval of the final negative declaration for 329 Bay Street. (Clerk of the Board)

Enacted Number: M05-5

Supervisor Peskin, seconded by Supervisor Ammiano, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 6 - Ammiano, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Dufty, Elsbernd, Ma
Excused: 1 - Daly

041718 **[Preparation of findings to reverse approval of the negative declaration for 329 Bay Street]**

Motion directing the Clerk of the Board to prepare findings reversing the Planning Department approval of the negative declaration for 329 Bay Street. (Clerk of the Board)

Enacted Number: M05-6

Supervisor Peskin, seconded by Supervisor Ammiano, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 6 - Ammiano, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Dufty, Elsbernd, Ma
Excused: 1 - Daly

Appointment of President Pro Tempore

At the request of the President, Supervisor Sandoval assumed the Chair.

The President resumed the Chair shortly thereafter.

SPECIAL ORDER 5:00 P.M.

041636 **[Public Hearing - Appeal, Conditional Use - 100 Felton Street]**

Hearing of persons interested in or objecting to the decision of the Planning Commission its Motion No.16877 dated October 28, 2004, Case No. 2004.0141C, approving a conditional use authorization pursuant to Planning Code Section 209.6(b) to allow the installation of a wireless telecommunications facility consisting of 6 panel antennas on an existing church and related equipment directly below in the attic as part of Cingular's wireless telecommunications network within a RH-2 (Residential-Two Family) Zoning District and a 40-X Height and Bulk District, located at 100 Felton Street, northwest corner of Girard Avenue and Felton Street; Lot 013 in Assessor's Block 5926. (Appellant: Dwayne Jusino)

(Appeal filed November 29, 2004 by Dwayne Jusino; companion measure to Files 041637, 041638, 041639, District 3.)

Duane Jusino; Appellant

Hazel Lee; support of appellant

Marlene Trend; support of appellant

Richard Lee; support of appellant

David Lee; support of appellant

Chris Ortias; support of appellant

Male Speaker; support of appellant

Female Speaker; support of appellant

Mr. Chan; support of appellant

Simon Louie; support of appellant

Ally Gee; support of appellant

Male Speaker; support of appellant

Victor; support of appellant

Howard Woo; support of appellant

Francisco di Costa; support of appellant

Planning Representative reviewed with the Board the Planning Commission's recommendation.

Tony Kim, Cingular Wireless; Project Sponsor

Philip Daly; support of project sponsor

Dan Lappa; support of project sponsor

Herbert Kyle; support of project sponsor

President inquired as to whether any member of the public wished to address the Board.

The President declared the public comment on this matter closed.

Rebuttal Period

Duane Jusino, Appellant

HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the conditional use application decision

described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

041637 **[Appeal, Conditional Use - 100 Felton Street]**

Motion approving decision of the Planning Commission by its Motion No.16877, approving Conditional Use Application No. 2004.0141C on property located at 100 Felton Street, and adopting findings pursuant to Planning Code Section 101.1.

Supervisor Ammiano, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Daly

041638 **[Appeal, Conditional Use - 100 Felton Street]**

Motion disapproving decision of the Planning Commission by its Motion No. 16877, approving Conditional Use Application No. 2004.0141C on property located at 100 Felton Street.

Enacted Number: M05-1

Supervisor Ammiano, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Daly

041639 **[Findings - 100 Felton Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2004.0141C on property located at 100 Felton Street, for action by the Board at its next meeting.

Enacted Number: M05-2

Supervisor Ammiano, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Daly

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; recognized Supervisor Matt Gonzalez

James Chaffee; Library issues

Bruce Allison; recognized Supervisor Matt Gonzalez and senior issues

John Aldonna; general issues

Peter Warfield; recognized Supervisor Matt Gonzalez and Library issues

Francisco di Costa; Tsumani tragedy and recognized Supervisor Matt Gonzalez

Otto Duffy; request 3 minutes for public comment

Mr. Sonford; recognized Supervisor Matt Gonzalez

Male Speaker; general issues

Male Speaker; recognized Supervisor Matt Gonzalez and medical marijuana issues

Male Speaker; recognized Supervisor Matt Gonzalez

Female Speaker; tenant issues and recognized Supervisor Matt Gonzalez

Erica McDonald; recognized Supervisor Matt Gonzalez

Native Son; recognized Supervisor Matt Gonzalez

Female Speaker; recognized Supervisor Matt Gonzalez

Female Speaker; Community Tenant Association recognized Supervisor Matt Gonzalez

FOR ADOPTION WITHOUT COMMITTEE

REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

041736 [Amending Declaration of November 2, 2004 Election Results] **Supervisor Gonzalez**

Resolution amending Resolution No, 735-04, which declared the results of the November 2, 2004 Consolidated General Election, to include results of uncontested races.

Enacted Number: 24-05

ADOPTED

041738 [Emergency Disadvantaged Business Enterprise Program - January 25, 2005, Committee of the Whole] **Supervisor Ammiano**

Motion for the Board of Supervisors to convene as a committee of the whole on January 25, 2005, at 4:00 p.m. to accept public testimony concerning the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

Enacted Number: M05-7

APPROVED

041746 [Accept-Expend Federal Grant] **Mayor, Supervisor Dufty**

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to retroactively accept and expend a grant in the amount of $989,477 from the U.S. Department of Justice (DOJ), Office of Community Oriented Policing Services (COPS Office) for the purpose of integrating the case management system for the JUSTIS Project. The new system will integrate the case management systems serving the Police, Sheriff, District Attorney, Public Defender, Adult Probation and the Superior Court. It will make the sharing of information within the criminal justice community easier, more efficient and accurate.

Enacted Number: 21-05

ADOPTED

041756 [Early Retirement of City Employees] **Supervisors Ammiano, Dufty**

Resolution urging the Mayor to utilize cost savings accrued through the early retirement of fifty (50) City employees through the Early Retirement Program established by Proposition "F" in 2003 to maintain current Recreation and Parks Directors, Senior Escort Employees and Environmental Control Officers.

Enacted Number: 26-05
ADOPTED

041757 [Urging the implementation of measures to prevent the consumption of lead tainted candy by children in San Francisco] Supervisors Ammiano, Dufty

Resolution urging the United States Food and Drug Administration, the California Department of Health Services, and the San Francisco Department of Public Health to implement measures to prevent the consumption of lead tainted candy by children in San Francisco.

Enacted Number: 27-05
ADOPTED

041758 [Appointing Youth to the Library Commission] Supervisor Daly

Resolution urging the Mayor to stand by his commitment to the youth of San Francisco by appointing youth to the Library Commission.

Enacted Number: 28-05
ADOPTED

041760 [Commending Health District Environmental Health Inspectors] Supervisor Peskin

Resolution commending Health District Four Health Inspectors for their dedication and commitment to ensuring safe and healthy living and working environments for San Franciscans living in Chinatown, Fisherman's Wharf, North Beach and the Financial District.

Enacted Number: 22-05
ADOPTED

041761 [Opposing the Assembly Constitutional Amendment Bill 5] Supervisor Sandoval

Resolution opposing Assembly Constitutional Amendment Bill 5, regarding benefit plans for union workers.

Enacted Number: 29-05

ADOPTED

041762 **[Accept-Expend Federal/State Grant - Victim/ Witness Assistance Program]** **Supervisors Alioto-Pier, Dufty**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $90,654 through the Governor's Office of Emergency Services, Criminal Justice Programs Division, for the operation of a program entitled "Violence Against Women Vertical Prosecution Program."

Enacted Number: 23-05

ADOPTED

041743 **[Approving temporary modification to the Legislative Chamber Seating for the President and the Clerk of the Board to accommodate accessibility]** **Supervisor Alioto-Pier**

Motion approving temporary modification to the Legislative Chamber seating for the President and the Clerk of the Board to accommodate accessibility.

Enacted Number: M05-8

APPROVED

041754 **[Needle Exchange Emergency]** **Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Enacted Number: M05-9

APPROVED

041755 **[Emergency Declaration Concurrence - Influenza Vaccine]** **Mayor**

Motion concurring in the October 12, 2004 Declaration of the Existence of a Local Emergency for Limited Purposes by the Mayor, and in the actions taken to meet the emergency.

Enacted Number: M05-10

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Daly

Severed from Without Reference to Committee

Supervisor Alioto-Pier requested that this matter be severed so that it might be considered separately.

041729 **[Urging transfer of Public Defender employees to California Public Employees' Retirement System]**

Resolution urging negotiation of agreement to transfer Assistant District Attorneys, Deputy Public Defenders and Investigators employed by the Public Defender from the San Francisco City Employee Retirement System to the California Public Employees' Retirement System.

This matter was severed from the Without Reference Committee by Supervisor Alioto-Pier and referred to the Finance and Audits Committee.

REFERRED to the Finance and Audits Committee.

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding.Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding] Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Elsbernd, seconded by Supervisor Dufty, moved ADOPTION of the Commendatory Finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Daly

[Brown Act Finding] Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Elsbernd, seconded by Supervisor Dufty, moved ADOPTION of the Brown Act Finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Daly

050008 **[Honoring Matt Gonzalez]** **Supervisor Peskin**

Resolution honoring Matt Gonzalez.

Enacted Number: 25-05

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Daly

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

041489 **[Regulation of Electioneering Communications]** **Supervisors Maxwell, Peskin, Alioto-Pier, McGoldrick, Sandoval**

Ordinance amending Chapter One of Article One of the Campaign and Governmental Conduct Code by adding section 1.161.5 to create disclosure and filing requirements for the sponsors of electioneering communications.

10/26/04, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 11/25/2004. 12/1/04 - Referred to Ethics Commission for review and recommendation.

1/4/05, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing same title.

1/4/05, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 2/3/2005. 1/27/05 - Referred to Ethics Commission for review and recommendation.

050007 **[Dissolving Lead Poisoning Prevention Citizens Advisory Committee]** **Supervisor Maxwell**

Ordinance repealing section 1607 of the Municipal Health Code, which established the Lead Poisoning Prevention Citizens Advisory Committee, and thereby dissolving the Lead Poisoning Prevention Citizens Advisory Committee.

1/4/05, RECEIVED AND ASSIGNED to Rules Committee.

050010 **[Amending Administrative Code Section 71.2 definition of qualified historic property]** **Supervisor Peskin**

Ordinance amending Administrative Code Section 71.2 to provide that where the interior of a property has or will be altered such that a majority of the interior is substantially equivalent to a new structure, the property is not a "qualified historic property" for the purpose of applying for an historical property contract and providing that non-historic additions to qualified historical properties are not eligible for Mills Act tax benefits from the City.

050017 **[SSO Zoning District - Allowing Financial Service]** **Supervisor Daly**

Ordinance amending the San Francisco Planning Code by amending Section 818 and adding Section 818.32 to Table 818 to allow a financial service use in an SSO (Service/Secondary Office) zoning district; adopting findings.

1/4/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 2/3/2005.

050018 **[Zoning Map amendment - South of Market Area]** **Supervisor Daly**

Ordinance amending the San Francisco Planning Code by amending the Zoning Map of the City and County of San Francisco to change the use classification of Block 3787, Lots 12, 13, 18, 24, 26, 28, 50, 160, 161, and 165 through 218 from SLI (Service Light Industrial) to SSO (Service/Secondary Office) in the South of Market Area.

1/4/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 2/3/2005.

Resolutions

050002 **[Grant Application - Department of the Environment]** **Supervisor Alioto-Pier**

Resolution authorizing the Department of the Environment to apply for a grant in the amount of $350,000.00 from the Bay Area Air Quality Management District for the purpose of reducing emissions from solid waste collection vehicles.

1/4/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE

AGENDA AT THE NEXT BOARD MEETING.

050004 **[Implementation of the State's Pierce's Disease Control Program]** **Mayor**

Resolution authorizing the San Francisco Department of Public Health, Occupational and Environmental Health Services (SFDPH/OEHS) to enter retroactively into an agreement with the State Department of Food and Agriculture (SDFA), and expend funds in the amount of $63,887.65 to implement in San Francisco the SDFA Pierce's Disease Control Program; for the period of July 1, 2004 to June 30, 2005.

1/4/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050005 **[Commending Carol Knight]** **Supervisor Dufty**

Resolution commending Carol Knight for her 34 years of service to the City and County of San Francisco.

1/4/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050006 **[Commending United California Practitioners of Chinese Medicine]** **Supervisor Ma**

Resolution commending United California Practitioners of Chinese Medicine on the occasion of their Tenth Board Installation Ceremony.

1/4/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050009 **[Accept-Expend Federal and State Grants]** **Supervisor Peskin**

Resolution authorizing the Department of Public Works to accept and expend a federal grant in the amount of $780,675 and a state grant in the amount of $101,145 from the Metropolitan Transportation Commission for the Stockton Street Tunnel Lighting and Pedestrian Improvements Project.

1/4/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050016 **[Safety Measures -- Hyde Street and Vallejo Streets]** **Supervisor Peskin**

Resolution urging the Department of Parking and Traffic to install a traffic signal at the intersection of Vallejo and Hyde Streets, urging the painting of crosswalks crossing Hyde Street at Vallejo Street, and designating the intersections of Hyde at Green Streets and Hyde at Broadway Streets all-way STOPs.

1/4/05, RECEIVED AND ASSIGNED to Land Use Committee. 01/07/04- Referred to Parking and Traffic for review and determination of

environmental impact.

050019 **[Honoring 32nd Anniversary of Roe v. Wade]** **Supervisors Ammiano, Dufty, Peskin, Alioto-Pier, Maxwell, Daly, Ma**

Resolution recognizing January 22, 2005 as "Stand Up For Choice Day" in honor of the 32nd anniversary of the landmark 1973 United States Supreme Court decision of Roe v. Wade establishing a woman's constitutional right to decide when and if to have a child; and further supporting the local Pro-Choice community demonstrating in San Francisco to defend a woman's right to choose safe and legal abortion and birth control and further urging all legal authorities to fully facilitate the protection of the right of women to control their reproductive health, lives and futures in an ever-increasingly hostile anti-choice climate on the federal level and in state legislatures and courts throughout the country.

1/4/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050020 **[Withdrawing the City from the North Coastal Counties Supervisors Association]**

Resolution authorizing the City to withdraw from the "North Coastal Counties Supervisors Association."

1/4/05, RECEIVED AND ASSIGNED to Rules Committee.

050021 **[Withdrawing from the San Mateo County-City and County of San Francisco Task Force]**

Resolution repealing Resolution No. 876-82, to dissolve the "San Mateo County-City and County of San Francisco Task Force."

1/4/05, RECEIVED AND ASSIGNED to Rules Committee.

050022 **[Dissolving the Presidio Neighborhood Representative Work Group]**

Resolution repealing Resolution No. 668-01, to dissolve the "Presidio Neighborhood Representative Work Group."

1/4/05, RECEIVED AND ASSIGNED to Rules Committee.

050023 **[Dissolving the United Nations Plaza Working Group]**

Resolution repealing Resolution No. 1401-140, to dissolve the "United Nations Plaza Working Group."

1/4/05, RECEIVED AND ASSIGNED to Rules Committee.

050024 **[Reinstatement of Homeless Death Count by SFDPH]** **Supervisor Daly**

Resolution urging the Department of Health to reinstate Homeless Death Count.

1/4/05, RECEIVED AND ASSIGNED to City Services Committee.

050026 **[Honoring 31st Anniversary of the Synergy School]** **Supervisor Ammiano**

Resolution recognizing the 31st Anniversary of the Synergy School and declaring February 12, 2005 as "Synergy School Day" in City and County of San Francisco.

1/4/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050027 **[Proclaiming January 15, 2005, Paul Boden Day in San Francisco]** **Supervisor Daly**

Resolution proclaiming January 15, 2005 as Paul Boden Day.

1/4/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050028 **[Urging creation of Charles Campbell Day in San Francisco]** **Supervisor Mirkarimi**

Resolution urging the commemoration of Charles Campbell on his 90th Birthday.

1/4/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050029 **[Urging independent review of Professor Ignacio Chapela's tenure hearing]** **Supervisor Gonzalez**

Resolution urging review of University of California at Berkeley's procedures in denying the tenure of Professor Ignacio Chapela in light of his exposure of illegal dumping of GMO crops in Mexico by Monsanto Corporation.

1/4/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050030 **[Lee Mallory Day]** **Supervisor Peskin**

Resolution proclaiming January 10, 2005 as Lee Mallory Day in San Francisco.

1/4/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

050003 [Affordable Educator Housing Plan] Supervisor Ammiano

Hearing to discuss the development of an Affordable Educator Housing Plan.

1/4/05, RECEIVED AND ASSIGNED to City and School District Select Committee.

050011 ["Old Emporium Building"] Supervisor Peskin

Hearing to update the Board of Supervisors about ongoing discussions between the City and County of San Francisco (by and through the Redevelopment Agency) and various private entities regarding the demolition of the first 65 feet of the "Old Emporium Building".

1/4/05, RECEIVED AND ASSIGNED to Land Use Committee.

050012 [Potential adoption of Redevelopment Agency Survey Area for the Visitacion Valley Plan Area] Supervisor Maxwell

Hearing on the potential adoption of a Redevelopment Agency Survey Area for the Planning Department's Visitacion Valley Plan Area.

1/4/05, RECEIVED AND ASSIGNED to Land Use Committee.

050013 [Eastern Neighborhoods EIR process] Supervisor Maxwell

Hearing on the Eastern Neighborhoods EIR process.

1/4/05, RECEIVED AND ASSIGNED to Land Use Committee.

050014 [Capital Plan] Supervisor Elsbernd

Hearing to discuss a long-range capital plan for San Francisco.

1/4/05, RECEIVED AND ASSIGNED to Finance and Audits Committee.

050015 [Sidewalk use at the 4th and Geary Farmer's Market] Supervisor McGoldrick

Hearing to inquire about the problem surrounding the sidewalk use at the 4th and Geary Farmer's Market, to examine the legality of the Market's current sidewalk use, to explore potential health hazards and to learn whether there are any current health and safety violations.

1/4/05, RECEIVED AND ASSIGNED to Land Use Committee.

050025 [Healthcare for Medically Uninsured San Franciscans] Supervisor Ammiano

Hearing to inquire into the feasibility of the City and County initiating efforts to provide healthcare for medically uninsured San Franciscans.

1/4/05, RECEIVED AND ASSIGNED to City Services Committee.

PROPOSED ORDINANCES

041724 [Payment of Reward to two Jane Does] Mayor

Ordinance authorizing payment of a $10,000.00 reward to be split amongst two Jane Does for supplying information leading to the arrest and conviction of the perpetrator responsible for the death of Rihibi Hussein. (Mayor)

12/8/04, RECEIVED AND ASSIGNED to Rules Committee.

041725 [Parking Violation Penalties]

Ordinance amending San Francisco Traffic Code Sections 32, 32.1, 32.1.1 through 32.1.7, 32.1.9, 32.1.10, 32.1.11, 32.2, 32.2.1, 32.2.2, 32.2.3, 32.3, 32.3.1, 32.5, 32.6.1, 32.6.2, 32.6.3, 32.6.5, 32.6.6, 32.6.7, 32.6.8, 32.6.10, 32.6.11, 32.6.12, 32.6.13, 32.6.14, 32.6.16 through 32.6.29, 32.20, 210, and 412 regarding penalties for parking violations and authorizing the setting of specific penalties for parking violations through a schedule of fines approved by ordinance of the Board of Supervisors. (Municipal Transportation Agency)

12/13/04, RECEIVED AND ASSIGNED to Land Use Committee.

041730 [Settlement of Lawsuit - Jenny McGrorey]

Ordinance authorizing settlement of the lawsuit filed by against the City and County of San Francisco for $38,000; the lawsuit was filed on October 5, 2001 in San Francisco Superior Court, Case No. 325-198; entitled Jenny McGrorey, et al., v. City and County of San Francisco, et al. (City Attorney)

12/22/04, RECEIVED AND ASSIGNED to Rules Committee.

041731 [Settlement of Lawsuit - Altec Industries, Inc.]

Ordinance authorizing settlement of the lawsuit filed by Altec Industries, Inc. against the City and County of San Francisco for $45,000; the lawsuit was filed on October 30, 2003 in San Francisco Superior Court, Case No. 425-937; entitled Altec Industries, Inc. v. City and County of San Francisco. (City Attorney)

12/22/04, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

041640 **[Prop J Certification, Status Offender Shelter and Intake Services]**

Resolution concurring with the Controller's certification that Intake and Shelter Services to Status Offenders can be practically performed by a private contractor for a lower cost than similar services performed by city and county employees. (Juvenile Probation Department)

12/7/04, RECEIVED AND ASSIGNED to City Services Committee.

12/27/04, REFERRED TO DEPARTMENT. Referred to Youth Commission for comment and recommendation.

041726 **[Accept-Expend State Grant]** **Supervisor Maxwell**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $150,000 from the California Department of Justice, Antitrust Law Section, for the purpose of launching a new certified farmers' market in Bayview Hunters Point and providing nutrition education to community residents. (Environment)

12/10/04, RECEIVED AND ASSIGNED to City Services Committee.

041727 **[Accept and Expend Grant - Sheriff's Department program providing family literacy services for incarcerated mothers and their children in the county jail and after their release]** **Supervisors Dufty, Mirkarimi**

Resolution authorizing the Sheriff's Department to accept and expend a grant in the amount of $30,000 from the Zellerbach Family Foundation for providing family literacy services to mothers incarcerated in the county jail and their children. (Sheriff)

12/15/04, RECEIVED AND ASSIGNED to City Services Committee.

12/17/04, REFERRED TO DEPARTMENT. Referred to Youth Commission for comment and recommendation.

Supervisor Dufty requested to be added as sponsor.

041728 **[STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
18th and Tennessee Streets, stopping 18th Street at Tennessee Street, making this intersection an All-Way STOP; and
Colin P. Kelly, Jr. Street and Brannan Street, stopping Colin P. Kelly, Jr. Street at Brannan Street, the stem of this T-intersection.

(12/15/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not

establish a higher speed limit or result in more than a negligible increase in the use of the stree; DPT Order No. 2921.)

12/16/04, RECEIVED AND ASSIGNED to Land Use Committee.

041732 **[Settlement of Grievance - United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38]**

Resolution approving the settlement of the grievance (ERD No. 40-03-1142) filed by United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38 ("Union") on behalf of Grievants, as identified in Exhibit A attached hereto, against the City and County of San Francisco for $109,270.76. Other material term of said settlement is that Grievants and Union shall release all claims relating to the aforementioned grievance (ERD No. 40-03-1142). (City Attorney)

12/22/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041737 **[Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.

RIGHT TURN ONLY AFTER BALLPARK EVENTS EXCEPT TAXIS - RESCIND
NO RIGHT TURN AFTER BALLPARK EVENTS EXCEPT TAXIS - ESTABLISH
Southbound Hawes, Ingalls, and Jennings Streets at Ingerson Avenue

NO LEFT TURN, TAXIS EXEMPT, EXCEPT 4 PM TO 7 PM, MONDAY THROUGH FRIDAY - RESCIND
NO LEFT TURN, EXCEPT BUSES AND TAXIS - ESTABLISH
Mission Street, westbound, at 1st, 4th and 10th Streets; and
Mission Street, eastbound, at Fremont, 2nd, 3rd, 5th, 6th and 7th Streets. (Parking and Traffic Department)

(12/15/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2921.)

12/16/04, RECEIVED AND ASSIGNED to Land Use Committee.

041719 **[BART Payment for MUNI Transfer Trips]**

Resolution approving an Agreement between the City and County of San Francisco (the "City") and the Bay Area Rapid Transit District ("BART") authorizing payment to the Municipal Transportation Agency ("MTA") for transfer trips provided by the Municipal Railway in FY 2004-2005. (Municipal Transportation Agency)

12/23/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

Requests Granted

From: Supervisor Sandoval

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Inquiring of the Traffic Engineering Divisions placement of a loading zone at 4700 Mission Street. The absence of a yellow-zone has resulted in the repeated issuance of parking citations to the owners of Global Pilipino, as they load and unload goods in the course of their business operations.

From: Supervisor Maxwell

To: City Attorney

Requesting/Inquiring: To draft legislation to dedicate 33% of San Francisco's Proposition 63 Mental Health Funds for violence counseling and violence prevention activities.

The legislation would identify (1) counseling to children, youth and families who have been traumatized by violence and (2) violence prevention outreach to students in the San Francisco Unified School District as top priorities for the expenditure of these funds. In addition, it would ensure that the services provided through the legislation would be culturally sensitive, including outreach in multiple languages and by workers who reflect the communities in which they work.

In Memoriams

Shirley Chisholm (Entire Board)

Robert Matsui (Entire Board)

Edna Woods (Supervisors Dufty, Ammiano)

Diane Rose (Supervisor Dufty)

Patrick & Barbel Lenz (Supervisor Dufty)

Phyllis Mintzer (Supervisor Dufty)

Ann Harrington (Supervisor Dufty)

Metropolitan Anthony Gergiannakis (Supervisor Dufty)

Adam Ojakian (Supervisor Gonzalez)

Larry Viglizzo (Supervisor Elsbernd)

Sue Ling Ma (Supervisors Dufty, Ma)

Richard Palma (Supervisor Ma)

Gene Wright (Supervisor Peskin)

John Alexander Michaelson (Supervisor Ammiano)

ADJOURNMENT

There being no further business, the Board at the hour of 7:24 p.m. adjourned.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on January 25, 2005.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Meeting Procedures

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MEETING MINUTES

Saturday, January 8, 2005
12:00 PM
Legislative Chamber - Second Floor
Special Inaugural Meeting

Board of Supervisors

MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL, JAKE McGOLDRICK, ROSS MIRKARIMI, AARON PESKIN, GERARDO SANDOVAL

Members Present: *Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona*

Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

Members Excused: *None.*

Members Absent: *None.*

ROLL CALL

The meeting was called to order at 12:05 p.m. On the call of the roll Supervisor Ma was noted absent.

Quorum present.

Supervisor Ma was noted present at 12:09 p.m.

PLEDGE OF ALLEGIANCE

COMMUNICATIONS

From the Director of Elections, certifying the candidates for the Office of the Board of Supervisors who received a plurality of votes cast at the election held on November 2, 2004, who therefore, have been declared elected to that of office, namely:

Supervisor Michela Alioto-Pier

Supervisor Tom Ammiano

Supervisor Sean Elsbernd

Supervisor Jake McGoldrick

Supervisor Ross Mirkarimi

Supervisor Aaron Peskin

Supervisor Gerardo Sandoval

From the Controller: Filing or renewing of official bonds for Members of the Board of Supervisors:

Supervisor Michela Alioto-Pier

Supervisor Tom Ammiano

Supervisor Sean Elsbernd

Supervisor Jake McGoldrick

Supervisor Ross Mirkarimi

Supervisor Aaron Peskin

Supervisor Gerardo Sandoval

OATH OF OFFICE

Gloria L. Young, Clerk of the Board introduced the Honorable Robert Dondero, Presiding Judge, San Francisco Superior Court and requested the members to stand, whereupon Judge Dondero administered the oath of office.

ELECTION OF THE PRESIDENT OF THE BOARD

Nominations:

Supervisor Ammiano nominated Supervisor Peskin.

The roll was called on the nomination of Supervisor Peskin as Board President for a two-year term ending January 8, 2007.

Motion to elect Supervisor Peskin as Board President passed by the

following vote:

Ayes: 11- Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REMARKS FROM MAYOR

President Peskin introduced Mayor Gavin Newsom.

Mayor Gavin Newsom congratulated the incumbents and the newly elected members and gave brief remarks.

ROLL CALL

REMARKS FROM MEMBERS OF THE BOARD

Each member of the Board of Supervisors was afforded the opportunity for brief remarks and for introduction of family members or guests in attendance.

REMARKS BY PRESIDENT OF THE BOARD

Supervisor Peskin recognized and welcomed the following elected officials:

Mayor Gavin Newsom, Former Mayor Willie L. Brown, Assemblyman Mark Leno, City Attorney Dennis Herrera, District Attorney Kamala Harris, Public Defender Jeff Adachi, Sheriff Michael Hennessy, Treasurer Jose Cisneros and Former Supervisor Angela Alioto.

President Peskin expressed his gratitude to the Board members and gave his commitment to working with Board members, Department heads and the public in addressing issues which impact the citizens of San Francisco.

ADJOURNMENT

There being no further business, the Board at the hour of 1:35 p.m. adjourned.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on February 15, 2005.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

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MEETING MINUTES

Tuesday, January 11, 2005
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL

Members Present: *Michela Alioto-Pier, Tom Ammiano, Chris*

Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

Members Excused: *None.*

Members Absent: *None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll

Supervisors Alioto-Pier, Daly and Maxwell were noted absent.

Quorum present.

Supervisor Maxwell was noted present at 2:06 p.m.

Supervisor Alioto-Pier was noted present at 2:07 p.m.

Supervisor Daly was noted present at 2:09 p.m.

COMMUNICATIONS

Gloria L. Young, Clerk of the Board, informed the Board that she had received a communication from his Honor, the Mayor, returning with his veto the following Ordinance. File No. 041492 deappropriating funds from Department of Human Services for a homeless drop-in center and reprograming these funds to the Department of Public Health.

This matter will be scheduled for consideration on January 25, 2005.

CONSENT AGENDA

Recommendations of the City Services Committee

040559 **[Waiver of payment for additional police services]** **Supervisors Maxwell, Dufty**

Ordinance waiving payment of additional police services incurred by Black

Diamond Dynasty for the production of the 2002 Juneteenth Festival pursuant to Article 10B.2 of the Administrative Code.

Enacted Number: 16-05

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

041554 **[Amending Health Code Section 42.3 to authorize hearing officer to prohibit owner of a dog declared vicious and dangerous from owning dogs for three years]** Supervisor Dufty

Ordinance amending San Francisco Health Code Section 42.3, to add the authority of a hearing officer to prohibit the owner of a vicious dog from owning dogs for a period of three years.

Enacted Number: 12-05

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

041555 **[Creating requirement to exchange identification information when dog involved in bite of human or animal]** Supervisor Dufty

Ordinance amending San Francisco Health Code by adding Section 39 to create requirement of exchange of identification and rabies information after a dog bites a human or animal and by amending Section 41.11 by moving requirement of dog bite reporting to Section 39.

Enacted Number: 14-05

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

Recommendations of the Finance and Audits Committee

040731 **[Conduct a Nexus Study On Imposition of the Park Fee on Uses Other Than Office On Geographic Areas of the City Other than C-3 Use Districts]** Supervisor Peskin

Ordinance amending Planning Code Section 139 to provide that $100,000 of Downtown Special Park Fund monies shall be used to fund a nexus study,

under the direction of the General Manager of the Recreation and Park Department, to examine whether the Downtown Park Fee should be imposed on uses other than office and on geographic areas of the City other than C-3 use districts, prohibiting use of Downtown Park Fee monies on improvements for Ferry Park until that nexus study is completed unless use of such monies is approved by a financial committee of the Board of Supervisors, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan. (Mayor)

Enacted Number: 18-05

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

041351 **[Contract for Electric Services]** **Supervisor Ma**

Ordinance approving two contracts between the City and County of San Francisco and the United States, through the Department of Energy Western Area Power Administration, for electric services required to ensure reliable delivery of low cost electric power for use at Treasure Island on file with the Clerk of the Board of Supervisors in File No. 041351; and approving indemnifying and holding harmless the United States against claims arising from the activities of the City under the contract; and waiving requirement of Section 21.35 of the San Francisco Administrative Code that every contract contain a statement regarding liability of claimants for submitting false claims; and waiving requirement of Section 21.19 of the San Francisco administrative code that every contract contain a statement regarding guaranteed maximum costs.

(Fiscal impact.)

Enacted Number: 17-05

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

041467 **[Extending Redevelopment Agency's Times for Incurring and Repaying Debt for Affordable Housing Development]** **Supervisor Daly**

Ordinance approving, for the redevelopment plans listed below, the extension of existing time limits in each plan for establishment of loans, advances and indebtedness and for repayment of indebtedness for the exclusive purpose of financing Low and Moderate Income Housing Fund activities: (1) the Embarcadero-Lower Market (Golden Gateway) Redevelopment Plan, (2) the Hunters Point Redevelopment Plan, (3) the India Basin Industrial Park Redevelopment Plan.

Enacted Number: 15-05

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

041584 **[Appropriate settlement funds to fund the development costs associated with the San Francisco Electrical Reliability Project]** **Mayor**

Ordinance appropriating $2,666,667 of fund balance from the Hetch Hetchy estimated revenues from the litigation settlement against The Williams Companies, Inc. and Williams Marketing Energy Marketing & Trading Company to the San Francisco Electrical Reliability Project for fiscal year 2004-05. Appropriated funds will facilitate the development costs related to the City power plants.

(Fiscal impact.)

Enacted Number: 19-05

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

041630 **[Eliminating the Office of Emergency Services Revolving Fund]** **Supervisor Ma**

Ordinance amending the San Francisco Administrative Code by repealing Section 10.142, to eliminate the Office of Emergency Services Revolving Fund. (Emergency Communications Department)

Enacted Number: 9-05

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

Recommendation of the Land Use Committee

041749 **[Parking Regulations - Fell Street]** **Supervisor Gonzalez**

Resolution enacting parking regulations on a portion of Fell Street.

TOW-AWAY, NO STOPPING AT ANYTIME - ESTABLISH
Fell Street, south side, from 10 east of Masonic Avenue to 60 feet east of

Masonic Avenue (50 foot zone).

(12/13/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

Enacted Number: 35-05

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

Recommendations of the Rules Committee

041606 [Settlement of Lawsuit - Eugene Duffy]

Ordinance authorizing settlement of the lawsuit filed by Eugene Duffy against the City and County of San Francisco for $30,000; the lawsuit was filed on June 13, 2003, in San Francisco Superior Court, Case No. 421395; entitled Eugene Duffy, et al., v. City and County of San Francisco, et al. (City Attorney)

Enacted Number: 20-05

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

041648 [Settlement of Lawsuit - Steve Potter]

Ordinance authorizing settlement of the lawsuit filed by Steve Potter against the City and County of San Francisco for $50,000 paid to the City and County of San Francisco by Cross-Defendant OneBeacon; the lawsuit was filed on March 20, 2003 in the United States District Court, Case No. C03-1217 MEJ; entitled Steve Potter, et al., v. City and County of San Francisco, et al; other material terms of said settlement are Cross-Defendant OneBeacon will pay $195,000 to plaintiff and plaintiff's counsel and $100,000 to co-defendant Palace of Fine Arts Theater League. (City Attorney)

Enacted Number: 10-05

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

041659 [Settlement of Lawsuit - Linda Vaccarezza]

Ordinance authorizing settlement of the lawsuit filed by Linda Vaccarezza against the City and County of San Francisco for $835,000; the lawsuit was filed on 3/12/04 in United States District Court, Case No. C04-1021; entitled Linda Vaccarezza v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

041663 [Settlement of Lawsuit - Quynh Le, et al., v. CCSF, et al.]

Ordinance authorizing settlement of the lawsuit filed by Quynh Le, Weston Ngo, Candance Phan and Candance Phan as Guardian Ad Litem of Geoffrey Ngo, a minor and Brittany Ngo, a minor against the City and County of San Francisco for a total payment of $28,000.00; the lawsuit was filed on May 30, 2003 in San Francisco Superior Court, Case No. 420-933; entitled Quynh Le, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

041772 [Appointment - Golden Gate Bridge, Highway and Transportation District]

Resolution retaining Janet Reilly, Sabrina Hernandez, Leah Shaum and Maryanne Harrison, for terms subject to review and affirmation by January 31, 2007, on the Board of Directors, Golden Gate Bridge, Highway and Transportation District.

Janet Reilly, succeeding Janet Reilly, term expiring January 31, 2005, seat 1, represents public at large, subject to review and affirmation by the Board of Supervisors in January of each odd-numbered year, for a new two-year term ending January 31, 2007. Sabrina Hernandez, succeeding Sabrina Hernandez, term expiring January 31, 2005, seat 2, represents public at large, subject to review and affirmation by the Board of Supervisors in January of each odd-numbered year, for a new two-year term ending January 31, 2007. Leah Shahum, succeeding Leah Shahum, term expiring January 31, 2005, seat 3, represents public at large, subject to review and affirmation by the Board of Supervisors in January of each odd-numbered year, for a new two-year term ending January 31, 2007. Maryanne Harrison, succeeding Maryanne Harrison, term expiring January 31, 2005, seat 4, represents public at large, subject to review and affirmation by the Board of Supervisors in January of each odd-numbered year, for a new two-year term ending January 31, 2007.

Enacted Number: 36-05

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Absent: 1 - Daly

041774 **[Appointment - Child Care Planning and Advisory Council]**

Resolution appointing Juanita Santana, term ending December 31, 2005, to the Child Care Planning and Advisory Council.

Juanita Santana, new appointment, seat 7, must be a nominee of District 7 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "community representative", for the unexpired portion of a three-year term ending December 31, 2005.

Enacted Number: 37-05

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

041776 **[Appointment - Developmental Disabilities Area Board V]**

Resolution appointing Levi Nnaemeka, term ending December 31, 2007, to the Developmental Disabilities Area Board V.

Levi Nnaemeka, succeeding Levi Nnaemeka, term expired, seat 1, must represent general public, for a new three-year term ending December 31, 2007.

Enacted Number: 38-05

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

041777 **[Appointment - Bicycle Advisory Committee]**

Resolution appointing Gernado (Jerry) Ervin, term ending November 19, 2006, to the Bicycle Advisory Committee.

Gernado (Jerry) Ervin, succeeding Jerry Ervin, term expired, seat 8, must be a nominee of District 8 Supervisor, for the unexpired portion of a two-year term ending November 19, 2006.

Enacted Number: 39-05

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the City Services Committee

041350 [Amending and Adding to Section 184.78 of the Public Works Code Regarding Banners] Supervisors Ma, Dufty

Ordinance amending and adding to Section 184.78 of the Public Works Code make findings as to the purposes served by banners, to create five categories of permitted banners, to generally prohibit banners in residential districts, to require installer name and service phone numbers on all banners, to provide for processing and inspection fees for banner permits, to index those fees, beginning in fiscal year 2005-2006, to the Consumer Price Index, to provide appropriate penalties for violations of Section 184.78, and to provide that bonds may be required to be posted prior to receipt of a banner permit.

Enacted Number: 11-05

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

041494 [Humane Treatment of all Companion Dogs] Supervisors Dufty, Mirkarimi

Ordinance amending the San Francisco Health Code by amending sections 41.12 and 41.13 to insure the humane treatment of all companion dogs including sentry and guard dogs throughout the City and County of San Francisco by instituting shelter, water, feeding and confinement standards.

Supervisor Mirkarimi requested to be added as a co-sponsor.

Enacted Number: 13-05

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 2 - Alioto-Pier, Peskin

Recommendation of the Land Use Committee

041151 **[Ellis Act amendments by California Legislature: expand residential tenant relocation payment eligibility where units are withdrawn from rental market under Ellis; prohibit owner withdrawal**

Supervisors Peskin, Ammiano, McGoldrick, Gonzalez, Daly, Mirkarimi

Ordinance implementing recent California State Legislature amendments of the Ellis Act (California Government Code □7060 et seq., see □7060 and 7060.1), by amending the San Francisco Residential Rent Stabilization and Arbitration Ordinance (Administrative Code Chapter 37) at Sections 37.9(a)(13) and 37.9A(e) to provide that: when residential units are withdrawn from the rental market pursuant to the Ellis Act, each tenant who is relocated is entitled to a payment of $4,500 up to a maximum total per unit of $13,500 (37.9A(e)), for tenants who reside in their units on or after August 10, 2004, with these payment amounts to increase annually commencing March 1, 2005 according to the "rent of primary residence" expenditure category of the Consumer Price Index (CPI) for the preceding 12 months; and, owners may not withdraw defined residential hotel units from the rental market pursuant to the Ellis Act if the hotel's occupancy permit was issued prior to January 1, 1990, and if the hotel did not file a notice of intent prior to January 1, 2004 to withdraw the units from the rental market (Section 37.9(a)(13)). Also amending Section 37.9A(e) to provide that the existing additional relocation payment of $3,000 to each senior (62 or older) or disabled tenant displaced when residential units are withdrawn from the rental market pursuant to the Ellis Act will likewise increase annually commencing March 1, 2005 according to the "rent of primary residence" expenditure category of the CPI for the preceding calendar year (see Section 37.9A(e)(3)(D)).

Supervisor Mirkarimi requested to be added as a co-sponsor.

Enacted Number: 21-05

FINALLY PASSED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Elsbernd, Ma

Recommendations of the Rules Committee

040989 **[Granting a bid preference of twenty percent to each contractor who will perform all services to be required by a contract in the United States of**

Supervisors McGoldrick, Alioto-Pier, Daly, Ammiano

America]

Ordinance amending the San Francisco Administrative Code by adding a new Chapter 12I to grant a bid preference of twenty percent to each contractor who will perform all services to be required by a contract in the United States of America.

Supervisor McGoldrick, seconded by Supervisor Alioto-Pier, moved that this Ordinance be RE-REFERRED to the Rules Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

041579 **[Charter Amendment Deadlines]** **Supervisor Elsbernd**

Ordinance amending Section 305 of the Elections Code to require introduction of proposed Charter Amendments not less than 210 days prior to an election and to require an informational committee hearing regarding the proposed Charter Amendment no earlier than 30 days nor later than 60 days after introduction of the proposed Charter Amendment.

Supervisor Gonzalez dissented in Committee.

Supervisor Elsbernd, seconded by Supervisor Dufty, moved that this Ordinance be RE-REFERRED to the Rules Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Appointment of President Pro Tempore

At the request of the President, Supervisor McGoldrick assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

CALLED FROM COMMITTEE

040329 **[Conditional approval of an historical property contract for the Chronicle Building Market Street - The Chronicle Building]**

Resolution under Chapter 71 of the San Francisco Administrative Code, conditionally approving an historical property contract between 690 HTC LLC and 690B LLC, the owners of the existing Chronicle Building, a structure with an eleven story tower and adjoining sixteen story tower located at 690 Market Street, also known as conditional Landmark No. 243 and the City and

County of San Francisco, conditionally authorizing the Director of Planning and the Assessor to execute an historical property contract at such time as the Chronicle Building becomes Landmark 243, the Board of Supervisors determines that the rehabilitation plan for the Chronicle Building has been completed, and the City is fully compensated for its time and material costs in processing and administering the application for an historical property contract for the Chronicle Building.

Supervisor Dufty, seconded by Supervisor Ma, moved to re-refer to committee.

Motion to re-refer failed by the following vote:

Ayes: 5 - Ammiano, Dufty, Elsbernd, Ma, Sandoval

Noes: 6 - Alioto-Pier, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin

Supervisor Sandoval, seconded by Elsbernd, moved to continue this matter.

Motion to continue this matter failed by the following vote:

Ayes: 4- Dufty, Elsbernd, Ma, Sandoval

Noes: 7 - Alioto-Pier, Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin,

NOT ADOPTED by the following vote:

Ayes: 2 - Elsbernd, Sandoval
Noes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin

NEW BUSINESS

Recommendations of the Land Use Committee

Supervisor Dufty Excused From Voting

Supervisor Dufty, seconded by Supervisor Ammiano, moved to excuse Supervisor Dufty, at his request, because of possible conflict of interest. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

041247 [Zoning Map Amendment for 418-420 Jessie **Supervisor Daly**

Street]

Ordinance amending the San Francisco Planning Code by amending Sectional Map 1 of the Zoning Map of the City and County of San Francisco to change the use classification of the property located at 418-420 Jessie Street, situated on the north side of Jessie Street, 150 feet west of Fifth Street, and identified as Assessor's Block No. 3704, Lot No. 006, from a zoning designation of P (Public) to C-3-G (Downtown General Commercial); and adopting General Plan, Planning Code Section 101.1(b), and environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

041629 **[Changing the Official Sidewalk Width along Portions of Illinois Street]**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section No. 1563 to change the official sidewalk widths from the intersection of Illinois and 25th Streets to the intersection of Illinois and Cesar Chavez Streets; making findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width changes. (Public Works Department)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

041657 **[Grant of Federal Funds]**

Resolution authorizing the Municipal Transportation Agency to accept and expend $3,976,400 of Section 115 funds from the Federal Transit Administration for the Municipal Railway's Radio System Replacement and Third Street Phase 1 construction projects, excluding administrative overhead costs. (Municipal Transportation Agency)

Enacted Number: 33-05

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

041660 **[Accept-Expend Federal Grant]**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $30,000 from the Environmental Protection Agency to develop the San Francisco Green Healthcare Working Group consisting of local healthcare professionals and to facilitate ongoing meetings to conduct hands-on training to its members on a broad range of pollution prevention and resource conservation strategies. (Environment)

Enacted 34-05

Number:

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

041613 **[Extends the due dates for a Community Choice Aggregation draft implementation plan and Request for Proposal to the Board of Supervisors by four months each]** **Supervisor Ammiano**

Motion approving the extension of the due dates for a Community Choice Aggregation draft implementation plan and a Request for Proposal to the Board of Supervisors as required under Ordinance No. 86-04 by four months each.

Enacted Number: M05-11

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Rules Committee

041694 **[Urging a new trial for Mumia Abu-Jamal]** **Supervisor Gonzalez**

Resolution urging a new trial for Mumia Abu-Jamal.

Enacted Number: 52-05

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Elsbernd, Ma

SPECIAL ORDER 3:00 P.M

041768 **[Public Hearing - Hunters Point Shipyard Street Vacation]**

Hearing of persons interested in or objecting to proposed ordinance ordering the vacation of portions of McKinnon Avenue, La Salle Avenue, Kirkwood Avenue, Jerrold Avenue, Innes Avenue, Hudson Avenue, Boalt Street, Coleman Street, Donahue Street, and Galvez Street in Hunters Point Shipyard Parcel "A1" and Oakdale Avenue, Newcomb Avenue, McKinnon Avenue, La Salle Avenue, Fitch Street, and Earl Street in Hunters Point Shipyard Parcel "A2" along with public service easements in the aforementioned locations in the Hunters Point Shipyard; making environmental findings and findings of consistency with the City's General Plan, Planning Code Section 101.1, and the Hunters Point Redevelopment

Plan; quitclaiming the City's interest in the vacation areas; reserving easement rights for various utilities, including SBC, Pacific Gas and Electric Company, easement holders of record, and the City; accepting Department of Public Works Order No. 175,121; and authorizing official acts in connection with this Ordinance. (Clerk of the Board)

President inquired as to whether any member of the public wished to speak on this matter.

There were no speakers.

President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

From the Land Use Committee Without Recommendation

041543 [Hunters Point Shipyard - Street Vacation Order] Mayor, Supervisor Maxwell

Ordinance ordering the vacation of portions of McKinnon Avenue, La Salle Avenue, Kirkwood Avenue, Jerrold Avenue, Innes Avenue, Hudson Avenue, Boalt Street, Coleman Street, Donahue Street, and Galvez Street in Hunters Point Shipyard Parcel "A1" and Oakdale Avenue, Newcomb Avenue, McKinnon Avenue, La Salle Avenue, Fitch Street, and Earl Street in Hunters Point Shipyard Parcel "A2" along with public service easements in the aforementioned locations in the Hunters Point Shipyard; making environmental findings and findings of consistency with the City's General Plan, Planning Code Section 101.1, and the Hunters Point Redevelopment Plan; quitclaiming the City's interest in the vacation areas; reserving easement rights for various utilities, including SBC, Pacific Gas and Electric Company, easement holders of record and the City; accepting Department of Public Works Order No. 175,121; and authorizing official acts in connection with this Ordinance.

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Daly, seconded by Supervisor Elsbernd, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Daly introduced, welcomed and presented a Certificate of Honor to Linda Weiner, representative from Global Warming.

Supervisor Elsbernd introduced, welcomed and presented a Certificate of Honor to Jack Weinstein, Director of "Choosing to Participate in Facing History."

SPECIAL ORDER 4:00 P.M.

041652 [Public Hearing - Appeal, Conditional Use - 829 Folsom Street]

Hearing of persons interested in or objecting to the Planning Commission by its Motion No. 16872 dated October 21, 2004, approving a conditional use authorization, Case No. 2003.0304C to: (1) Allow an 85-foot tall structure above the 40-foot base height under Planning Code Sections 263.11(b) and (e); (2) Allow dwelling units at a density greater than one unit per 200 square feet of lot area under Section 207.5; (3) Allow exceptions to the bulk limits of the 85-B Bulk District above 50 feet in height as stated in Planning Code Section 270 and pursuant to the Planning Code Section 271(a); (b) and (c); and (4) Provide off-street parking in excess of accessory amounts as defined in Planning Code Section 204.5 pursuant to Planning Code Section 157(a), (b), and (d). The site is within the RSD (Residential Service District), and is within a 40-X/85-B Height and Bulk District, and is subject to interim policies of the South of Market Housing/Mixed Use Overlay District per Resolution No. 16727, located at 829 Folsom Street, south side, between 4th and 5th Streets; Lot 091 in Assessor's Block 3752. (Appellant: Hope Whitney, Farella Braun + Martel LLP, representing Yerba Buena Lofts Homeowners' Association.)

(Filed 11/22/04; companion measure to Files 141653, 141654, 041655,

041656; District 6.)

President inquired as to whether any member of the public wished to speak on this matter.

There were no speakers.

President declared the public hearing closed.

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Hearing be FILED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the conditional use application decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

041653 [Appeal, Conditional Use - 829 Folsom Street]

Motion approving decision of the Planning Commission by its Motion No. 16872, approving Conditional Use Application No. 2003.0304C on property located at 829 Folsom Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

041654 [Appeal, Conditional Use - 829 Folsom Street]

Motion disapproving decision of the Planning Commission by its Motion No. 16872, approving Conditional Use Application No. 2003.0304C on property located at 829 Folsom Street. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

041655 [Findings - 829 Folsom Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2003.0304C on property located at

829 Folsom Street, for action by the Board at its next meeting. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

041656 **[Environmental Review - 829 Folsom Street]**

Motion certifying review of Final Negative Declaration relating to proposed Conditional Use of Property at 829 Folsom Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 4:00 P.M

041433 **[Public Hearing]**

Hearing of persons interested in or objecting to report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Clerk of the Board)

President inquired as to whether any member of the public wished to speak on this matter.

Harry Gulbengay, Department of Public Works.

President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

041434 **[Report of assessment costs for sidewalk and curb repairs]**

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Public Works Department)

(DPW Order No. 175,026; Locations: 1990 California Street; 1306 Clayton Street.)

Enacted Number: 31-05

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

COMMITTEE REPORTS

041726 **[Accept-Expend State Grant]** **Supervisor Maxwell**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $150,000 from the California Department of Justice, Antitrust Law Section, for the purpose of launching a new certified farmers' market in Bayview Hunters Point and providing nutrition education to community residents. (Environment)

Enacted Number: 30-05

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

041523 **[Parking Regulations]** **Supervisor Elsbernd**

Resolution enacting and rescinding parking regulations at various locations.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
John Muir Drive, south side, from 50 feet east of the east property line of the Lakewood Apartments (end of angled parking) to Lake Merced Boulevard.

TOW-AWAY, NO PARKING, 10 PM to 6 AM EVERYDAY - ESTABLISH
John Muir Drive, north side, from 50 feet east of the east property line of the Lakewood Apartments (end of angled parking) to Lake Merced Boulevard. (Parking and Traffic Department)

(11/05/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2904.)

Supervisor Elsbernd requested to be added as sponsor.

Enacted Number: 32-05

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; general issues

Richard Chaffee; Ethics Commission issues

Male Speaker; Tsunami issues

Beckie Lyman, Pro Choice Coalition; recognize January 22, 2005 as Stand Up Choice Day

Pam Rosen; Support of Item 48 "Roe V. Wade" 1/22/05

ANSWER; support of Item 48 "Roe V. Wade" 1/22/05

Amy Moy, Planned Parenthood; support of Item 48 "Roe V. Wade" 1/22/05

Gilbert Christoff, LGBT Seniors; commend Supervisor Dufty on holding a hearing

Elizabeth Creely; support of Item 48 "Roe V. Wade" 1/22/05

Female Speaker; anti-choice issues and women issues

Tom McDonagh; Laguna Hospital issues

Brian O'Flynn; general issues

Jackie Bryson; homeless issues

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

050002 [Grant Application - Department of the Environment] **Supervisor Alioto-Pier**

Resolution authorizing the Department of the Environment to apply for a grant in the amount of $350,000.00 from the Bay Area Air Quality Management District for the purpose of reducing emissions from solid waste collection vehicles.

Enacted Number: 40-05
ADOPTED

050005 [Commending Carol Knight] Supervisor Dufty

Resolution commending Carol Knight for her 34 years of service to the City and County of San Francisco.

Enacted Number: 41-05
ADOPTED

050006 [Commending United California Practitioners of Chinese Medicine] Supervisor Ma

Resolution commending United California Practitioners of Chinese Medicine on the occasion of their Tenth Board Installation Ceremony.

Enacted Number: 42-05
ADOPTED

050009 [Accept-Expend Federal and State Grants] Supervisor Peskin

Resolution authorizing the Department of Public Works to accept and expend a federal grant in the amount of $780,675 and a state grant in the amount of $101,145 from the Metropolitan Transportation Commission for the Stockton Street Tunnel Lighting and Pedestrian Improvements Project.

Enacted Number: 43-05
ADOPTED

050019 [Honoring 32nd Anniversary of Roe v. Wade] Supervisors Ammiano, Dufty, Peskin, Alioto-Pier, Maxwell, Daly, Ma, Mirkarimi

Resolution recognizing January 22, 2005 as "Stand Up For Choice Day" in honor of the 32nd anniversary of the landmark 1973 United States Supreme Court decision of Roe v. Wade establishing a woman's constitutional right to decide when and if to have a child; and further supporting the local Pro-Choice community demonstrating in San Francisco to defend a woman's right to choose safe and legal abortion and birth control and further urging all legal authorities to fully facilitate the protection of the right of women to control their reproductive health, lives and futures in an ever-increasingly hostile anti-choice climate on the federal level and in state legislatures and courts throughout the country.

Supervisors Ma and Mirkarimi requested to be added as co-sponsors.

Enacted 44-05

Number:
ADOPTED

050026 [Honoring 31st Anniversary of the Synergy School] Supervisor Ammiano

Resolution recognizing the 31st Anniversary of the Synergy School and declaring February 12, 2005 as "Synergy School Day" in City and County of San Francisco.

Enacted Number: 45-05
ADOPTED

050027 [Proclaiming January 15, 2005, Paul Boden Day in San Francisco] Supervisor Daly

Resolution proclaiming January 15, 2005 as Paul Boden Day.

Enacted Number: 46-05
ADOPTED

050029 [Urging independent review of Professor Ignacio Chapela's tenure hearing] Supervisor Gonzalez

Resolution urging review of University of California at Berkeley's procedures in denying the tenure of Professor Ignacio Chapela in light of his exposure of illegal dumping of GMO crops in Mexico by Monsanto Corporation.

Enacted Number: 51-05
ADOPTED

050030 [Lee Mallory Day] Supervisor Peskin

Resolution proclaiming January 10, 2005 as Lee Mallory Day in San Francisco.

Enacted Number: 48-05
ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed From Without Reference to Committee

Supervisor Mirkarimi requested that this matter be severed so that it might be considered separately.

050028 **[Urging creation of Charles Campbell Day in San Francisco]** **Supervisor Mirkarimi**

Resolution urging the commemoration of Charles Campbell on his 90th Birthday.

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Daly requested that this matter be severed so that it might be considered separately.

050004 **[Implementation of the State's Pierce's Disease Control Program]** **Mayor**

Resolution authorizing the San Francisco Department of Public Health, Occupational and Environmental Health Services (SFDPH/OEHS) to enter retroactively into an agreement with the State Department of Food and Agriculture (SDFA), and expend funds in the amount of $63,887.65 to implement in San Francisco the SDFA Pierce's Disease Control Program; for the period of July 1, 2004 to June 30, 2005.

REFERRED to the City Services Committee.

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding.Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to

be considered, the Board must first adopt the following two motions.

[Serious Injury Finding] Motion that the Board find that for the resolution (s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding] Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Elsbernd, seconded by Supervisor Dufty, moved ADOPTION of the Commendatory Finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

[Brown Act Finding] Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Elsbernd, seconded by Supervisor Dufty, moved ADOPTION of the Brown Act Finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

050048 [Commending Raymond Zahnd] **Supervisor Dufty**

Resolution commending Raymond D. Zahnd upon his retirement.

Enacted Number: 49-05

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

050049 [Commending Sally Kipper] **Supervisor Dufty**

Resolution honoring and congratulating Sally Kipper for her distinguished public service career.

Enacted Number: 50-05

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

OFF-AGENDA LEGISLATION

Ordinances

050054 **[Subdivision Code - Two-unit buildings that won the 2001 condominium conversion lottery]** — **Supervisor Peskin**

Ordinance amending the Subdivision Code by amending Section 1359 with clarifying language and providing a grandfather provision for specified two-unit buildings where the owner won in the 2001 condominium conversion lottery but failed to convert at that time.

1/11/05, RECEIVED AND ASSIGNED to Land Use Committee. 01/14/05- Referred to Building Inspection Commission.

050056 **[Appropriate funding for MTA towards the purchase and modification of 45 AC Transit motor coaches in compliance with Proposition I]** — **Mayor**

Ordinance appropriating $4,100,000 of unallocated capital project funds to the Gillig motor vehicle purchase project, from MTA Breda Lease Lease-back funds, for the purchase and modification of 45 motor vehicle coaches from AC Transit in compliance with Proposition I (approved by voters in year 2004), for fiscal year 2004-05.

(Fiscal impact.)

1/11/05, RECEIVED AND ASSIGNED to Finance and Audits Committee.

050059 **[Appropriate funds from the General Reserve to General City Responsibility as charitable contribution for the Tsunami Relief Effort]** — **Supervisors Daly, Mirkarimi, Ammiano**

Ordinance appropriating up to $1,000,000 from the General Fund Reserve to General City Responsibility for a charitable contribution made to the Tsunami Relief Effort for fiscal year 2004-2005.

(Fiscal impact.) (Supervisor Elsbernd dissenting in Committee.)

1/11/05, RECEIVED AND ASSIGNED to Finance and Audits Committee.

050061 **[Real Property Reporting and Planning]** — **Supervisor Elsbernd**

Ordinance adding Section 23.8 to the San Francisco Administrative Code to establish a City policy that all City departments report annually to the Real Estate Division certain real property information, that relevant property information be recorded and geographically displayed in the Real Estate Information System (REIS), and the Director of Property prepare an annual report to the Board of Supervisors with real property asset management recommendations.

1/11/05, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on

2/10/2005.

050071 **[Shopping Cart Signage and Security Requirements]** Supervisor Ma

Ordinance amending Part II, Chapter X, of the San Francisco Municipal (Public Works) Code by adding Sections 1410-1413, requiring permanently affixed signs on shopping carts, requiring businesses with carts to post signs prohibiting removal from premises and to secure all carts during hours business is closed.

1/11/05, ASSIGNED UNDER 30 DAY RULE to City Services Committee, expires on 2/10/2005.

050010 **[Amending Administrative Code Section 71.2 definition of qualified historic property]** Supervisor Peskin

Ordinance amending Administrative Code Section 71.2 to provide that where the interior of a property has or will be altered such that a majority of the interior is substantially equivalent to a new structure, the property is not a "qualified historic property" for the purpose of applying for an historical property contract and providing that non-historic additions to qualified historical properties are not eligible for Mills Act tax benefits from the City.

1/11/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 2/10/2005.

041611 **[Authorization for a Local Disease Prevention Demonstration Project]** Supervisors Dufty, Ammiano

Ordinance amending the Health Code to add Section 31 authorizing the Department of Public Health to create and operate a Disease Prevention Demonstration Project to register pharmacies to sell or furnish hypodermic needles without a prescription as allowed under State law, such registration to consist of the department maintaining a list of participating pharmacies, providing such pharmacies with written information for customers on how to access drug treatment, HIV and Hepatitis C testing and treatment, and safe disposal of sharps waste.

11/23/04, RECEIVED AND ASSIGNED to City Services Committee.

12/15/04, REFERRED TO DEPARTMENT. Referred to City Attorney for review and approval as to form.

1/11/05, SUBSTITUTED. Supervisor Dufty submitted a substitute ordinance bearing new title.

1/11/05, ASSIGNED to City Services Committee.

Resolutions

041283 **[Street Renaming - Jasper Place in North Beach to "Dante Benedetti Alley"]** **Supervisor Peskin**

Resolution changing the name of Jasper Place, between Union and Green Streets, in North Beach to "Dante Benedetti Alley", in recognition of Dante Benedetti's many contributions to the community of North Beach and the City of San Francisco.

9/14/04, RECEIVED AND ASSIGNED to Land Use Committee.

1/11/05, SUBSTITUTED. Supervisor Peskin submitted a substitute resolution bearing new title.

1/11/05, ASSIGNED to Land Use Committee.

050004 **[Implementation of the State's Pierce's Disease Control Program]** **Mayor**

Resolution authorizing the San Francisco Department of Public Health, Occupational and Environmental Health Services (SFDPH/OEHS) to enter retroactively into an agreement with the State Department of Food and Agriculture (SDFA), and expend funds in the amount of $63,887.65 to implement in San Francisco the SDFA Pierce's Disease Control Program; for the period of July 1, 2004 to June 30, 2005.

1/4/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

1/11/05, REFERRED to City Services Committee.

050057 **[Grant to enable the San Francisco Department of Public Health to prepare to respond to a potential bioterrorism attack]** **Mayor, Supervisors Dufty, Elsbernd**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept retroactively and expend Cities Readiness Initiative grant funds in the amount of $910,514 from the Centers for Disease Control (CDC) to prepare to respond to a potential bioterrorism attack and to enter into an agreement for the use of these funds; for the period of August 31, 2004, to August 30, 2005.

1/11/05, RECEIVED AND ASSIGNED to City Services Committee.

050058 **[Reintegrate clients at Laguna Honda Hospital into independent living in the community]** **Supervisor Elsbernd**

Resolution authorizing the San Francisco Department of Public Health/ Laguna Honda Hospital and Rehabilitation Center (SFDPH/LHH) to accept and expend retroactively a grant in the amount of $50,000 from the California HealthCare Foundation (CHCF), to reintegrate clients into independent living within the community and to enter into an agreement for the use of these funds; for the period of January 1, 2005 through December 31, 2005.

1/11/05, RECEIVED AND ASSIGNED to City Services Committee.

050060 [Clean Air Plan for Muni: Zero Emissions 2020] **Supervisor Ammiano**

Resolution supporting the Clean Air Plan for Muni entitled "Zero Emissions 2020" released jointly by the San Francisco Department of the Environment and the Municipal Transportation Agency detailing specific timing for the adoption of hybrid electric buses, and requiring that 100% of the interim diesel fleet must be equipped with clean air devices to minimize particulate matter (PM) and NOx (oxides of nitrogen) emissions.

(Fiscal impact.)

1/11/05, RECEIVED AND ASSIGNED to Land Use Committee.

050062 [Instructing the Department of Environment to complete a nexus study on a local fee for supermarket checkout bags] **Mayor, Supervisor Mirkarimi**

Resolution instructing the Department of Environment to complete a nexus study in order to identify the relationship between the use of disposable supermarket checkout bags and various costs to the City, and to determine the legality and appropriateness of a local fee on these bags.

1/11/05, RECEIVED AND ASSIGNED to City Services Committee.

050070 [STOP Intersections] **Supervisor Dufty**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Arlington Street at Roanoke Street, making this intersection an All-Way STOP; and
Arlington Street at Mateo Street, making this intersection an All-Way STOP.

(Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

1/11/05, RECEIVED AND ASSIGNED to Land Use Committee. 01/14/05 - Referred to Parking and Traffic.

050072 [Supporting Gay Adoption] **Supervisors Ammiano, Mirkarimi**

Resolution urging the Supreme Court of the United States to rescind their refusal and to accept the hearing of a legal challenge to Florida's prohibition of adoption of children by gays and lesbians.

1/11/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050073 [Homeless Death Count] **Supervisors Daly, Dufty, Elsbernd, Mirkarimi**

Resolution urging the City Attorney to explore feasible means to access

death records.

1/11/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050074 **[Reinstatement of Homeless Death Count by SFDPH]** **Supervisors Daly, Ammiano, Sandoval, Mirkarimi, McGoldrick, Elsbernd**

Resolution urging Department of Health to reinstate Homeless Death Count.

1/11/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050075 **[Commending Ray Wong]** **Supervisors Dufty, Elsbernd**

Resolution commending Ray Wong for his career in civil service.

1/11/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050076 **[Volunteer Blood Donor Month]** **Supervisor Ma**

Resolution declaring January 2005 to be "Volunteer Blood Donor Month" in the City and County of San Francisco.

1/11/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050077 **[SFMOMA Building Anniversary]** **Supervisors Ma, Elsbernd**

Resolution congratulating the San Francisco Museum of Modern Art on the Tenth Anniversary of the Opening of their Mario Botta - designed building.

1/11/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050078 **[Extending the term of the Biosciences Task Force to March 15, 2005]** **Supervisor Maxwell**

Resolution extending the term of the Biosciences Task Force to March 15, 2005.

1/11/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050079 **[Urging the California Legislature to standardize levels of aid payments for Kin-GAP Program]** **Supervisor McGoldrick**

Resolution urging the California Legislature to standardize levels of aid payments for relative and non-relative legal guardianship in its Kinship Guardianship Assistance Program in order to encourage and support relative caretakers in taking guardianship of dependent and "at-risk" children.

1/11/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING. 1/20/05 - Response received from the Youth Commission.

050035 **[Contract funds to detect and eradicate infestations of P. ramorum, the causal agent of sudden oak death, in host plants in nursery stock in San Francisco]** — **Supervisors Alioto-Pier, Dufty**

Resolution authorizing the San Francisco Department of Public Health, Occupational and Environmental Health Services (SFDPH/OEHS) to enter retroactively into a performance agreement with the California Department of Food and Agriculture (CDFA), and expend funds in the amount of $3,296 to assist in the implementation in San Francisco of the CDFA Sudden Oak Death (SOD) Program; for the period of March 1, 2004 to February 28, 2005.

1/11/05, RECEIVED AND ASSIGNED to City Services Committee.

Requests for Hearing

050063 **[SFUSD Nutrition Policy]** — **Supervisor Maxwell**

Hearing at the Joint City and School District Committee to discuss the SFUSD nutrition policy and how the City can help to improve nutrition standards throughout our schools.

1/11/05, RECEIVED AND ASSIGNED to City and School District Select Committee.

050064 **[Water and General Plan]** — **Supervisor Maxwell**

Hearing on how water is addressed in the City's General Plan.

1/11/05, RECEIVED AND ASSIGNED to City Services Committee.

040065 **[Commending Martha Knutzen]** — **Supervisors Dufty, Ammiano, Ma, Maxwell**

Resolution commending Martha Knutzen for distinguished public service on the San Francisco Human Rights Commission.

1/13/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

1/27/04, ADOPTED.

1/29/04, APPROVED.

050066 [Public Utilities Commission] Supervisor Mirkarimi

Hearing on the status and implementation of the Public Utilities Commission community aggregation process before the Local Agency Formation Commission.

1/11/05, RECEIVED AND ASSIGNED to Board of Supervisors. Sponsor requests this item be referred to LAFCO.

050068 [Children's exposure to diesel fumes] Supervisor Maxwell

Hearing to discuss the SFUSD how we can work together to reduce children's exposure to diesel fumes.
In particular, the school district's contract for bus services expired on December 4, 2004, what steps have they taken to ensure that the new contract prioritizes the use of low-emission buses and/or require older buses be retrofitted with air particulate filters and to operate on ultra low diesel fuel.

1/11/05, RECEIVED AND ASSIGNED to City and School District Select Committee.

050069 [Film and Entertainment] Supervisor Alioto-Pier

Hearing on the status of the San Francisco film and television industry and production incentives.

1/11/05, RECEIVED AND ASSIGNED to Land Use Committee. 01/14/05- Referred to Entertainment Commission.

050067 [Closed Session - Pending Litigation and Potential Claims] Supervisor Peskin

Requests for closed session hearing before the Board of Supervisors at the meeting of January 25, 2005 on the following matters:

1. Pending litigation and potential claims involving business tax litigation (Macy's v. CCSF - San Francisco Superior Court #306-723, et al.)

2. Pending litigation and potential litigation (CCSF v. Flying Dutchman Park, Inc. - San Francisco Superior Court #321376.)

1/11/05, ASSIGNED to Board of Supervisors. Scheduled for Board consideration January 25, 2005 meeting.

Motions

050046 [Needle Exchange Emergency] Supervisors Ammiano,

Daly, Peskin, McGoldrick, Maxwell, Dufty, Mirkarimi

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

1/11/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050050 [Limiting Single Supervisor's Ability to Call Matters from Committee] **Supervisor Peskin**

Motion amending the Rules Order of the Board of Supervisors to repeal Rule 5.23 Reactivating Tabled or Filed Items, and to amend Rule 5.31 Failure of a Committee to Act within 30 Days, thereby limiting the ability of a single Supervisor to call matters from Committee.

1/11/05, RECEIVED AND ASSIGNED to Rules Committee.

050051 [Changes to Board Committees] **Supervisor Peskin**

Motion amending the Rules of the Board of Supervisors by amending Rules 5.1 - 5.6 to create a standing Government Audit and Oversight Committee and a Standing Budget and Finance Committee; to Repeal the Rules Related to the Finance and Audits Committee and Budget Committee; to change the name of the City Services Committee to the City Operations and Neighborhood Services Committee; and to Define the Responsibilities and Jurisdiction of the Budget and Finance Committee, the Government Audit and Oversight Committee, the Rules Committee, the City Operations and Neighborhood Services Committee and the Land Use Committee.

1/11/05, RECEIVED AND ASSIGNED to Rules Committee.

050052 [Schedule for Regular Board Meetings] **Supervisor Peskin**

Motion amending the Rules of the Board of Supervisors by amending Rule 6.2 to provide that the Board shall meet every Tuesday, unless that Tuesday is a holiday, and shall not meet during the week after Thanksgiving or the week between December 24 and December 31.

1/11/05, RECEIVED AND ASSIGNED to Rules Committee.

050053 [Rule Amendment related to Supervisors voting at Board meetings] **Supervisor Peskin**

Motion amending Rule 4.14 of the Rules of Order of the Board of Supervisors to provide procedures to encourage Supervisors to vote in a timely manner during roll calls at meetings of the Board of Supervisors.

1/11/05, RECEIVED AND ASSIGNED to Rules Committee.

050055 [Board Rule Change: Withdrawal of Sponsorship, Withdrawal of Legislation] Supervisor Peskin

Motion adding Rule 2.12.1 to the Board of Supervisors Rules of Order to allow the withdrawal of sponsorship of legislation and providing for the withdrawal from consideration by the Board any legislation where, after the withdrawal of sponsorship, there remains no sponsoring supervisor.

1/11/05, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED ORDINANCES

041763 [Settlement of Lawsuit - Israel Flores]

Ordinance authorizing settlement of the lawsuit filed by Israel Flores against the City and County of San Francisco for $85,000.00; the lawsuit was filed on September 18, 2003 in the United States District Court, Northern District, Case No. C03-4262 SBA; entitled Israel Flores v. City and County of San Francisco, et al; other material terms of said settlement are the City shall waive its lien in the amount of $33,740.60, representing the value of medical services provided to Israel Flores for injuries sustained in the relevant incident. (City Attorney)

12/29/04, RECEIVED AND ASSIGNED to Rules Committee.

041764 [Settlement of Lawsuit - American Motorists Insurance Company]

Ordinance authorizing settlement of the lawsuit filed by American Motorists Insurance Company against the City and County of San Francisco for $85,000; the lawsuit was filed on November 14, 2001 in San Francisco Superior Court, Case No. 401-290; entitled American Motorists Insurance Co., et al., v. City and County of San Francisco, et al. (City Attorney)

12/29/04, RECEIVED AND ASSIGNED to Rules Committee.

041767 [Zoning Map Amendment for 2350-19th Avenue]

Ordinance amending the San Francisco Planning Code by amending Sectional Map 6 of the Zoning Map of the City and County of San Francisco and changing the use classification of the property located at 2350-19th Avenue, and identified as Assessor's Block No. 2347, Lot No. 004G, from a zoning designation of P (Public) to RH-2 (Residential, House, Two-Family); and adopting General Plan, Planning Code Section 101.1(b), and environmental findings. (Planning Department)

12/28/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 2/10/2005. Submitted by the Planning Department. CEQA waiver and Planning Commission recommendation in the file.

PROPOSED RESOLUTIONS

041720 **[Establishing Monthly Contribution Amount]**

Resolution establishing monthly contribution amount to Health Service Trust Fund. (Human Resources Department)

(Fiscal impact.)

12/28/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041765 **[Proposed Expenditure of California Healthcare for Indigents Program (CHIP) funds for Fiscal Year 2004-05]**

Resolution authorizing adoption of the County Description of Proposed Expenditure of California Healthcare for Indigents (CHIP) funds for Fiscal Year 2004-2005 and that the President or duly authorized representative of the Board of Supervisors of the City and County of San Francisco can certify the County Description of Proposed Expenditure of CHIP funds for the Fiscal Year 2004-2005. (Public Health Department)

12/28/04, RECEIVED AND ASSIGNED to City Services Committee.

041766 **[Airport Concession Lease]**

Resolution approving Amendment No. 5 to the Post-Security Master Retail/Duty Free Concession in the New International Terminal Building Lease No. 99-0035 between DFS Group, L.P. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

(Fiscal impact.)

12/30/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

Requests Granted

From: Supervisor Sandoval

To: Director, Department of Parking and Traffic

Requesting/Inquiring: To report on the feasibility of creating pedestrian safety improvements for the new senior housing development at 5199 Mission Street that is currently in the final stages of construction. Specifically, respond to community and developer requests to:

1) Establish a white zone in front of the site for loading and unloading seniors from paratransit vehicles.

2) Create an enhanced crosswalk, possibly with a traffic island, to help seniors cross Mission Street.

Please send copy of this letter to: Linda Harte, 98 Newton Street, SF, 94112 and

Amy Beinart, Bernal Heights Neighborhood Center, 515 Cortland Avenue, SF, 94110

From: Supervisor Mirkarimi

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney respond to the following questions regarding the UC Berkeley Extension Campus located at 55 Laguna:

1) Can the UC Extension property be rezoned from "public" to "non-public" without any state and local approvals?

2) What recourse, if any, does the public have in the matter, and does the public have any role in the changing of use from public to non-public?

3) Is there a state body that has to approve a change of use? (other than the UC Board of Regents) If it is the UC Regents that possess sole state authority, does this supercede local authority?

4) Would proceeds of the sale of the UC Extension site (if it was sold) go to UC or to the State coffers?

5) Is there any tax benefit or loss to San Francisco if a public property under state domain is sold to a private developer?

From: Supervisor Mirkarimi

To: Director, Planning Department

Requesting/Inquiring: Requesting the Planning Director respond to the following questions regarding the UC Berkeley Extension Campus located at 55 Laguna:

1) Can the

In Memoriams

Shirley Chisholm (Entire Board)

Robert Matsui (Entire Board)

Edna Woods (Supervisors Dufty, Ammiano)

Diane Rose (Supervisor Dufty)

Patrick & Barbel Lenz (Supervisor Dufty)

Phyllis Mintzer (Supervisor Dufty)

Ann Harrington (Supervisor Dufty)

Metropolitan Anthony Gergiannakis (Supervisor Dufty)

Adam Ojakian (Supervisor Gonzalez)

Larry Viglizzo (Supervisor Elsbernd)

Sue Ling Ma (Supervisors Dufty, Ma)

Richard Palma (Supervisor Ma)

Gene Wright (Supervisor Peskin)

John Alexander Michaelson (Supervisor Ammiano)

ADJOURNMENT

There being no further business, the Board at the hour of 4:15 p.m. adjourned.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on February 15, 2005.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second

public hearing on measures which have been heard in committee.
Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.
Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.
Agenda are available on the internet at www.sfgov.org/bdsupvrs.bos.htm.
THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK.
Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.
Results of each Board meeting can be obtained about a half hour after the end of the meeting by telephoning (415) 554-5555.
Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.
AVISO EN ESPA¥OL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7701

Disability access

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MEETING MINUTES

Tuesday, January 25, 2005
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL

Members Present: *Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona*

Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

Members Excused: *None.*

Members Absent: *None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll

Supervisors Alioto-Pier and Ammiano were noted absent.

Quorum present.

Supervisor Alioto-Pier was noted present at 2:07 p.m.

Supervisor Ammiano was noted present at 2:08 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved to approve the December 14, 2004 and January 4, 2005 Meeting Minutes. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

AGENDA CHANGES

CONSENT AGENDA

Recommendations of the City Services Committee

041640 [Prop J Certification, Status Offender Shelter and Intake Services]

Resolution concurring with the Controller's certification that Intake and

Shelter Services to Status Offenders can be practically performed by a private contractor for a lower cost than similar services performed by city and county employees. (Juvenile Probation Department)

Enacted Number: 61-05
ADOPTED

041661 [Liquor License Transfer, 130 Church Street]

Resolution determining that the transfer of a Type 20 off-sale beer and wine alcoholic beverage control license from 130 Sixth Street to 130 Church Street (District 8) to Panaka, Vannida and Watthika Chea for Golden Product Extension will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Enacted Number: 62-05
ADOPTED

041765 [Proposed Expenditure of California Healthcare for Indigents Program (CHIP) funds for Fiscal Year 2004-05]

Resolution authorizing adoption of the County Description of Proposed Expenditure of California Healthcare for Indigents (CHIP) funds for Fiscal Year 2004-2005 and that the President or duly authorized representative of the Board of Supervisors of the City and County of San Francisco can certify the County Description of Proposed Expenditure of CHIP funds for the Fiscal Year 2004-2005. (Public Health Department)

Enacted Number: 70-05
ADOPTED

041727 [Accept and Expend Grant - Sheriff's Department program providing family literacy services for incarcerated mothers and their children in the county jail and after their release] Supervisors Dufty, Mirkarimi

Resolution authorizing the Sheriff's Department to accept and expend a grant in the amount of $30,000 from the Zellerbach Family Foundation for providing family literacy services to mothers incarcerated in the county jail and their children. (Sheriff)

Supervisor Mirkarimi requested to be added as a co-sponsor.

Enacted Number: 67-05

ADOPTED

Recommendations of the Land Use Committee

041247 [Zoning Map Amendment for 418-420 Jessie Street] Supervisor Daly

Ordinance amending the San Francisco Planning Code by amending Sectional Map 1 of the Zoning Map of the City and County of San Francisco to change the use classification of the property located at 418-420 Jessie Street, situated on the north side of Jessie Street, 150 feet west of Fifth Street, and identified as Assessor's Block No. 3704, Lot No. 006, from a zoning designation of P (Public) to C-3-G (Downtown General Commercial); and adopting General Plan, Planning Code Section 101.1(b), and environmental findings.

Enacted Number: 23-05

FINALLY PASSED

041629 [Changing the Official Sidewalk Width along Portions of Illinois Street]

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section No. 1563 to change the official sidewalk widths from the intersection of Illinois and 25th Streets to the intersection of Illinois and Cesar Chavez Streets; making findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width changes. (Public Works Department)

Enacted Number: 25-05

FINALLY PASSED

041481 [STOP sign - Filbert Street Westbound at Powell Street] Supervisor Peskin

Resolution designating the intersection of Filbert Street at Powell Street as a "STOP" intersection.

Enacted Number: 55-05

ADOPTED

041556 [Parking Regulations - Fitzgerald Avenue] Supervisor Maxwell

Resolution enacting and rescinding parking regulations on the 1200 block of Fitzgerald Avenue.

PERPENDICULAR (90-DEGREE ANGLE) PARKING - RESCIND
Fitzgerald Avenue, north side, from Jennings Street to Ingalls Street.

Enacted Number: 56-05
ADOPTED

041631 [STOP Intersections]

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Walnut Street and Pacific Avenue, stopping northbound Walnut Street at Pacific Avenue, making this T-intersection an All-Way STOP; and

30th Avenue and Lake Street, making this intersection an All-Way STOP. (Parking and Traffic Department)

(11/29/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2912.)

Enacted Number: 58-05
ADOPTED

041633 [Parking Regulations]

Resolution enacting and rescinding parking regulations at various locations.

TOW-AWAY, NO PARKING FROM 10 PM TO 6 AM - ESTABLISH
Florida Street terminus, north of 15th Street.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Florida Street, west side of the easterly divided roadway, from 210 feet south of 15th Street, northerly to a point 18 feet south of the roadway terminus.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
15th Street, north side, from Florida to Bryant Streets.

PERPENDICULAR (90-DEGREE ANGLE) PARKING ESTABLISH
Florida Street terminus, north of 15th Street;

Van Dyke Avenue, north side, between Keith and Jennings Streets; and

Divisadero Street, both sides, from 240 feet north of 14th Street to 240 feet south of Duboce Avenue.

TOW-AWAY, NO STOPPING, 7 AM TO 9 AM, MONDAY THROUGH FRIDAY - RESCIND
Lincoln Way, south side, from 20th Avenue to a point approximately 100 feet easterly.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Lincoln Way, south side, from 19th Avenue to a point 100 feet westerly.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Rousseau Street, east side, from San Jose Avenue to 55 feet southerly; and

Rousseau Street, west side, from San Jose Avenue to Bosworth Street.

UNMETERED MOTORCYCLE PARKING - ESTABLISH
Carl Street, north side, from 13 feet to 27 feet east of Willard Street (accommodating 4 motorcycles while addressing sight distance concerns at the intersection); and

Page Street, north side, between the driveways of 940 and 932 - 936 Page Street, accommodating two unmetered motorcycle parking spaces.

TOW-AWAY, NO STOPPING, 7 AM - 7 PM, EVERYDAY - RESCIND
TOW-AWAY, NO STOPPING, 3 PM - 7 PM, MONDAY THROUGH FRIDAY - ESTABLISH
McAllister Street, north side, from Gough Street to 60 feet easterly

PARKING METER AREA NO. 3 (2-HOUR PARKING TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Bryant Street, both sides, between 15th and 16th Streets.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Gennessee Street, west side, from Monterey Boulevard to 19 feet southerly.

1-HOUR TIME LIMIT, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY - RESCIND
2-HOUR TIME LIMIT, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY - ESTABLISH
20th Street, both sides, between Capp and Valencia Streets (parking meters to remain).

TOW-AWAY, MONDAY THROUGH FRIDAY, 4 PM TO 6 PM - RESCIND
Fell Street, south side, from Laguna Street to Scott Street.

TOW-AWAY, MONDAY-FRIDAY, 4 PM-7 PM - ESTABLISH
Fell Street, south side, from Divisadero Street to 125 feet easterly.

RESIDENTIAL PERMIT PARKING AREA "I" (2-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Capp Street, both sides, between 17th and 18th Streets (200 block) (excludes the thru-lot of 2155 Mission Street).

RESIDENTIAL PERMIT PARKING AREA "Z" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Church Street, both sides, between 25th and Jersey Streets (1200 block);
Duncan Street, both sides, between Sanchez Street and Noe Street (400 block); and
Sanchez Street, both sides, between 28th and Duncan Streets (1400 block).

RESIDENTIAL PERMIT PARKING AREA "G" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY

Enacted Number: 60-05
ADOPTED

041684 [Traffic Regulations - Various Streets] Supervisor Dufty

Resolution enacting and rescinding traffic regulations on various streets.

NO PARKING ANYTIME - RESCIND
West side of Potomac Street, from Waller Street to the southern property line
of #53 Potomac Street
.
TOW-AWAY NO PARKING ANYTIME - ESTABLISH
West side of Potomac Street, from Waller Street to the southern property line
of #53 Potomac Street.

(12/7/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or results in more than a negligible increase in the use of the street.)

Enacted Number: 65-05
ADOPTED

041728 [STOP Intersections]

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
18th and Tennessee Streets, stopping 18th Street at Tennessee Street, making this intersection an All-Way STOP; and
Colin P. Kelly, Jr. Street and Brannan Street, stopping Colin P. Kelly, Jr. Street at Brannan Street, the stem of this T-intersection.

(12/15/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the stree; DPT Order No. 2921.)

Enacted Number: 68-05
ADOPTED

041737 [Traffic Regulations]

Resolution enacting and rescinding traffic regulations on various streets.

RIGHT TURN ONLY AFTER BALLPARK EVENTS EXCEPT TAXIS - RESCIND
NO RIGHT TURN AFTER BALLPARK EVENTS EXCEPT TAXIS - ESTABLISH
Southbound Hawes, Ingalls, and Jennings Streets at Ingerson Avenue

NO LEFT TURN, TAXIS EXEMPT, EXCEPT 4 PM TO 7 PM, MONDAY THROUGH FRIDAY - RESCIND
NO LEFT TURN, EXCEPT BUSES AND TAXIS - ESTABLISH
Mission Street, westbound, at 1st, 4th and 10th Streets; and
Mission Street, eastbound, at Fremont, 2nd, 3rd, 5th, 6th and 7th Streets.
(Parking and Traffic Department)

(12/15/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2921.)

Enacted Number: 69-05
ADOPTED

Recommendations of the Rules Committee

041659 [Settlement of Lawsuit - Linda Vaccarezza]

Ordinance authorizing settlement of the lawsuit filed by Linda Vaccarezza against the City and County of San Francisco for $835,000; the lawsuit was filed on 3/12/04 in United States District Court, Case No. C04-1021; entitled Linda Vaccarezza v. City and County of San Francisco, et al. (City Attorney)

Enacted Number: 26-05
FINALLY PASSED

041663 [Settlement of Lawsuit - Quynh Le, et al., v. CCSF, et al.]

Ordinance authorizing settlement of the lawsuit filed by Quynh Le, Weston Ngo, Candance Phan and Candance Phan as Guardian Ad Litem of Geoffrey Ngo, a minor and Brittany Ngo, a minor against the City and County of San Francisco for a total payment of $28,000.00; the lawsuit was filed on May 30, 2003 in San Francisco Superior Court, Case No. 420-933; entitled Quynh Le, et al., v. City and County of San Francisco, et al. (City Attorney)

Enacted Number: 27-05
FINALLY PASSED

041624 [Settlement of Lawsuit - John R. Ulrich, Jr., M.D.]

Ordinance authorizing settlement of the lawsuit filed by John R. Ulrich, Jr., M.D. against the City and County of San Francisco for violation of civil rights in the amount of $1,537,500; Plaintiff Ulrich filed the lawsuit on October 27, 1999 in San Francisco Superior Court and the City removed it to United States District Court (U.S. District Court Action C99-05003TEH).

PASSED, ON FIRST READING

041730 [Settlement of Lawsuit - Jenny McGrorey]

Ordinance authorizing settlement of the lawsuit filed by against the City and County of San Francisco for $38,000; the lawsuit was filed on October 5, 2001 in San Francisco Superior Court, Case No. 325-198; entitled Jenny McGrorey, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

041731 [Settlement of Lawsuit - Altec Industries, Inc.]

Ordinance authorizing settlement of the lawsuit filed by Altec Industries, Inc. against the City and County of San Francisco for $45,000; the lawsuit was filed on October 30, 2003 in San Francisco Superior Court, Case No. 425-937; entitled Altec Industries, Inc. v. City and County of San Francisco. (City Attorney)

PASSED, ON FIRST READING

041662 [Settlement of Claim - Third Street Lofts]

Resolution approving the settlement of the unlitigated claim filed by Third Street Lofts against San Francisco for $100,000; claim was filed on March 11, 2003. (City Attorney)

Enacted Number: 63-05

ADOPTED

041673 [Appointment - Urban Forestry Council]

Resolution appointing Kelly Quirke and Jocelyn Cohen, terms ending April 5, 2005, to the Urban Forestry Council.

Kelly Quirke, succeeding Milton Marks III, resigned, seat 4, must be a representative of non-profit organizations involved in urban forestry or other environmentally-related issues, for the unexpired portion of a two-year term ending April 5, 2005. Jocelyn Cohen, succeeding Juan Carrasco, resigned, seat 7, must be representative of the community, for the unexpired portion of a two-year term ending April 5, 2005.

Enacted Number: 64-05
ADOPTED

050041 [Appointment - Surplus Property Citizens' Advisory Committee]

Resolution appointing Jay Bradshaw, term to be determined, to the Surplus Property Oversight Committee.

Jay Bradshaw, new appointment, seat 6, must be member of a union, for a term to be determined.

Enacted Number: 72-05
ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

Severed from Consent Agenda

Supervisor Mirkarimi requested that this matter be severed so that it might be considered separately.

041632 [Traffic Regulations] **Supervisor Mirkarimi**

Resolution enacting and rescinding traffic regulations on various streets.

TOW-AWAY LANE MUST TURN RIGHT, EXCEPT MUNI - ESTABLISH
Lincoln Way, south side, from 19th Avenue to a point 100 feet westerly.

ONE-WAY STREET - ESTABLISH
Vandewater Street, westbound, between Mason and Powell Streets.

BICYCLE LANES - ESTABLISH
Fell Street, from Scott Street to Baker Street. (Parking and Traffic Department)

(11/29/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2912.)

Enacted 59-05

Number:

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

041492 **[Appropriate funding from the Department of Human Services to increase available funding in the Department of Public Health for self-help services to the homeless]** **Supervisor Daly**

Ordinance appropriating $283,809 from the Department of Human Services to fund peer based self-help services for chronically homeless people in the Tenderloin for the Department of Public Health for fiscal year 2004-2005.

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override. The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on January 8, 2005. Therefore, the Board will loose the ability to override the veto unless it votes on or before February 8, 2005. (Fiscal impact.)

Supervisor Dufty, seconded by Supervisor Daly, moved that this Ordinance be TABLED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin
Noes: 2 - McGoldrick, Sandoval

050044 **[Adopting findings related to the determination that the appeal of the negative declaration for the 329 Bay Street project was timely]**

Motion adopting findings related to the determination that the appeal of the negative declaration for the 329 Bay Street project was timely filed. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this

Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

APPROVED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

050043 **[Adopting findings related to the appeal of the negative declaration issued by the Planning department for the 329 Bay Street project]**

Motion adopting findings related to the appeal of the negative declaration issued by the Planning Department on June 22, 2004 for 329 Bay Street. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

APPROVED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

050047 **[Adopting findings related to the conditional use appeal on property located at 100 Felton]**

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Authorization No. 16877 (which approved the installation of a wireless telecommunications system facility consisting of six panel antennas on an existing church and related equipment directly below in the attic as part of Cingular's wireless telecommunications network within a RH-2 (Residential-Two Family) Zoning District and a 40-X Height and Bulk District, located at 100 Felton Street, northwest corner of Girard Avenue and Felton Street (Lot 013 in Assessor's Block 5926). (Clerk of the Board)

(Companion measure to Files 041636, 041637, 041638, 041639)

Enacted Number: M05-16

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Land Use Committee

041385 [Street Encroachment at 199 Geary Street - Security Pacific Place]

Resolution granting revocable permission to CHH Realty, Inc. c/o Neiman Marcus to occupy a portion of the public right-of-way located on Security Pacific Place, off O'Farrell Street between Stockton Street and Grant Avenue, to construct and maintain a service ramp/driveway, to access and connect to a loading dock at the rear frontage of the Neiman Marcus store at 199 Geary Street (Block 0313, Lot 018) and making findings of consistency with the priority policies of Planning Code Section 101.1. (Public Works Department)

Enacted Number: 54-05

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Land Use Committee Without Recommendation

041543 [Hunters Point Shipyard - Street Vacation Order] Mayor, Supervisor Maxwell

Ordinance ordering the vacation of portions of McKinnon Avenue, La Salle Avenue, Kirkwood Avenue, Jerrold Avenue, Innes Avenue, Hudson Avenue, Boalt Street, Coleman Street, Donahue Street, and Galvez Street in Hunters Point Shipyard Parcel "A1" and Oakdale Avenue, Newcomb Avenue, McKinnon Avenue, La Salle Avenue, Fitch Street, and Earl Street in Hunters Point Shipyard Parcel "A2" along with public service easements in the aforementioned locations in the Hunters Point Shipyard; making environmental findings and findings of consistency with the City's General Plan, Planning Code Section 101.1, and the Hunters Point Redevelopment Plan; quitclaiming the City's interest in the vacation areas; reserving easement rights for various utilities, including SBC, Pacific Gas and Electric Company, easement holders of record and the City; accepting Department of Public Works Order No. 175,121; and authorizing official acts in connection with this Ordinance.

Enacted Number: 24-05

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

Recommendations of the City Services Committee

041577 [Clarifications and Technical Corrections to Work Practices Program for Lead-Based Paint Disturbance and Removal] — Supervisors Peskin, Mirkarimi

Ordinance amending Section 3407 et seq. of the Building Code, to amend the definitions of Clearance Inspection, Containment and Barrier Systems, and Prohibited Practices; to clarify scope of prohibitions on the removal or disturbance of lead-based paint; to specify the type of covering required to prevent contamination by lead debris; to specify where signs noticing lead work must be posted, to make further minor technical corrections to the work practices program for lead-based paint disturbance and removal; and to make findings in accordance with California Health and Safety Code Section 17958.5 as to the local climatic, topological and geological reasons for amending the State Building Code.

Supervisor Mirkarimi requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

041149 [Death Toll of 1906 Earthquake Victims] — Supervisors Alioto-Pier, Elsbernd, Ma, Dufty, Mirkarimi

Resolution setting aside the current death toll of 478 victims of the 1906 earthquake and amending that number no later than April 18, 2006.

Supervisor Mirkarimi requested to be added as a co-sponsor.

Enacted Number: 53-05

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Finance and Audits Committee

041307 [Prohibiting smoking on unenclosed areas of City parks and recreational areas in San Francisco open to the public] — Supervisors Alioto-Pier, Dufty

Ordinance amending the San Francisco Health Code by adding Article 19 I, encompassing Sections 1009.80 et seq., to prohibit smoking on any unenclosed area of property in the City and County of San Francisco that is open to the public and under the jurisdiction of the Recreation and Park

Commission or any other City department if the property is a park, square, garden, sport or playing field other than a golf course, recreational pier, or other property used for recreational purposes.

(Fiscal impact.) (Supervisor Peskin dissenting in Committee.)

Supervisor Mirkarimi, seconded by Supervisor Ammiano, moved to amend on page 1, line 8 by deleting "other than a golf course" and on page 2, line 6, after "pier" by adding "golf courses".

Alyonik Huscrow, Representative from Department of Public Health, Tobacco Free Project and Adam Van de Water, Office of Legislative Analyst responded to questions from Board members.

Motion to amend failed by the following vote:

Ayes: 4 - Ammiano, Daly, Mirkarimi, Peskin

Noes: 7 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Sandoval

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Sandoval
Noes: 3 - McGoldrick, Mirkarimi, Peskin

041751 **[Appropriate funds for the Human Services Agency's CalWORKS, In-Home Supportive Services (IHSS) and Medi-Cal Programs]** **Mayor**

Ordinance appropriating $5,988,448 from current year federal and state revenue allocations for the CalWORKS, In-Home Supportive Services (IHSS) and Medi-Cal programs to fund various program requirements including staffing; breakdown of the amounts per program are $1,539,670 to CalWORKS, $2,306,369 to IHSS and $2,142,409 to Medi-Cal programs for fiscal year 2004-05.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Appointment of President Pro Tempore

At the request of the President, Supervisor Sandoval assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

050059 **[Appropriate funds from the General Reserve to General City Responsibility as charitable contribution for the Tsunami Relief Effort]** **Supervisors Daly, Mirkarimi, Ammiano**

Ordinance appropriating up to $1,000,000 from the General Fund Reserve to General City Responsibility for a charitable contribution made to the Tsunami Relief Effort for fiscal year 2004-2005.

(Fiscal impact.) (Supervisor Elsbernd dissenting in Committee.)

Supervisor Daly, seconded by Ammiano, moved an amendment of the whole bearing new title.

Motion to amend carried without objection.

NOT PASSED ON FIRST READING by the following vote:

Ayes: 4 - Ammiano, Daly, Mirkarimi, Sandoval
Noes: 7 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin

041564 **[Approval of Lease with American Airlines, Inc. for a portion of Plot 40 and Superbay Hangar]**

Resolution, retroactive to January 1, 2005, approving and authorizing the execution of a Lease with American Airlines, Inc., for a portion of Plot 40 and space in the Superbay Hangar. (Airport Commission)

Enacted Number: 57-05

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

041719 **[BART Payment for MUNI Transfer Trips]**

Resolution approving an Agreement between the City and County of San Francisco (the "City") and the Bay Area Rapid Transit District ("BART") authorizing payment to the Municipal Transportation Agency ("MTA") for transfer trips provided by the Municipal Railway in FY 2004-2005. (Municipal Transportation Agency)

Enacted Number: 66-05

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Land Use Committee

041524 **[Parking Regulations-Hall of Justice]** **Supervisor Mirkarimi**

Ordinance amending San Francisco Traffic Code Section 32.6.7 to restrict parking on Bryant Street between Harriet Street and 7th Street to only SFPD

vehicles or displaying a permit issued by the Chief of Police. (Parking and Traffic Department)

Supervisor Mirkarimi requested to be added as sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Rules Committee

041724 **[Payment of Reward to two Jane Does]** **Mayor**

Ordinance authorizing payment of a $10,000.00 reward to be split amongst two Jane Does for supplying information leading to the arrest and conviction of the perpetrator responsible for the death of Rihibi Hussein. (Mayor)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisors Ammiano, Dufty, Sandoval, McGoldrick Excused From Voting

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved to excuse Supervisors Ammiano, Dufty, Sandoval, and McGoldrick from voting on this matter. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Daly, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin
Excused: 4 - Ammiano, Dufty, McGoldrick, Sandoval

041773 **[Appointment - Golden Gate Bridge, Highway and Transportation District]**

Resolution affirming retention of Supervisors Bevan Dufty, Tom Ammiano, Gerardo Sandoval and Jake McGoldrick, as members of the Board of Directors, Golden Gate Bridge, Highway and Transportation District, for terms ending January 31, 2007.

Enacted Number: 71-05

ADOPTED by the following vote:

Ayes: 7 - Alioto-Pier, Daly, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin
Excused: 4 - Ammiano, Dufty, McGoldrick, Sandoval

Recess

The Board recessed at the hour of 3:30 p.m.

Reconvening of the Board

The Board at the hour of 3:40 p.m. reconvened.

Calling the Roll

On call of the roll, the following Supervisors were noted present:

Supervisors Ammiano, Daly, Elsbernd, Ma, Maxwell, McGoldrick,

Mirkarimi, Peskin, Sandoval - 9

Quorum present.

Supervisor Dufty was noted present at 3:42 p.m.

Supervisor Alioto-Pier was noted present at 3:52 p.m.

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Peskin, seconded by Supervisor Dufty, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

Supervisor Peskin introduced, welcomed and presented a Certificate of Honor to Captain Charlie Rose.

Supervisor Maxwell introduced and welcomed Antoinette Osborne, the winner of SF WritersCorps Annual Martin Luther King, Jr. "Freewrite Contest."

SPECIAL ORDER 4:00 P.M.

041275 **[Public Hearing - Appeal of Revised Certificate of Determination of Exemption from Environmental Review - American Buddhist Cultural Society Building located at 1730-1750 Van Ness Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated August 13, 2004, Case No. 2003.0657E, approving the proposed project to include: a renovation and vertical addition to the existing one-story-plus-mezzanine American Buddhist Cultural Society building; an expanded second level and construction of third and fourth levels for a total of four stories and a total height of approximately 70 feet; and add approximately 16,798 gross square feet (gsf) to the existing building for a total square footage of 27,758 gsf, located at 1730-1750 Van Ness Avenue, Assessor's Block 0622, Lot 019. (Appellant: 1776 Sacramento Street Homeowners Association, represented by the Law Offices of Stephen M. Williams).

(Filed September 9, 2004; companion measure to Files 041276, 041277, 041278; District 3.)

Continued to February 8, 2005 at 4:00 p.m.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

041276 **[Affirming the categorical exemption issued for 1730-1750 Van Ness Avenue]**

Motion affirming the determination by the Planning Department that the 1730-1750 Van Ness Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to February 8, 2005 at 4:00 p.m.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell,

McGoldrick, Mirkarimi, Peskin, Sandoval

041277 **[Disapproving the categorical exemption issued for 1730-1750 Van Ness Avenue]**

Motion disapproving the determination by the Planning Department that the 1730-1750 Van Ness Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to February 8, 2005 at 4:00 p.m.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

041278 **[Preparation of findings related to the categorical exemption issued for 1730-1750 Van Ness Avenue]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 1730-1750 Van Ness Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to February 8, 2005 at 4:00 p.m.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 4:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

041739 **[Hearing - Emergency ordinance reenacting a Disadvantaged Business Enterprise Program]**

Hearing to consider the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency. (Clerk of the Board)

President inquired as to whether a member of the public wished to address

the Board.

Mole Speaker; support of legislation

Male Speaker; support of legislation

Rodney, questions regarding legislation

The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

Committee of the Whole Adjourn and Report Without Recommendation

041740 **[Reenacting a Disadvantaged Business Enterprise Program]** **Supervisor Ammiano**

Emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

Enacted Number: 22-05

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

COMMITTEE REPORTS

050051 **[Changes to Board Committees]** **Supervisor Peskin**

Motion amending the Rules of the Board of Supervisors by amending Rules 5.1 - 5.6 to create a standing Government Audit and Oversight Committee and a Standing Budget and Finance Committee; to Repeal the Rules Related to the Finance and Audits Committee and Budget Committee; to change the name of the City Services Committee to the City Operations and Neighborhood Services Committee; and to Define the Responsibilities and Jurisdiction of the Budget and Finance Committee, the Government Audit and Oversight Committee, the Rules Committee, the City Operations and Neighborhood Services Committee and the Land Use Committee.

Enacted Number: M05-17

APPROVED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

050052 **[Schedule for Regular Board Meetings]** **Supervisor Peskin**

Motion amending the Rules of the Board of Supervisors by amending Rule 6.2 to provide that the Board shall meet every Tuesday, unless that Tuesday is a holiday, and shall not meet during the week after Thanksgiving or the week between December 24 and December 31.

Enacted Number: M05-18

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 1 - Sandoval

From the Rules Committee Without Recommendation

050053 **[Rule Amendment related to Supervisors voting at Board meetings]** **Supervisor Peskin**

Motion amending Rule 4.14 of the Rules of Order of the Board of Supervisors to provide procedures to encourage Supervisors to vote in a timely manner during roll calls at meetings of the Board of Supervisors.

NOT APPROVED by the following vote:

Ayes: 6 - Alioto-Pier, Daly, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 5 - Ammiano, Dufty, Elsbernd, Ma, Maxwell

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; general issues

Rumas; support of Tsunami victims

James Chaffe; Library issues and social security issues

Stephen Dreyfus; street artists

Albert Sandoval; San Francisco School District issues

John Didonna; gun control

Bruce Ellison; renter issues

Female Speaker; mental health issues

Male Speaker; congratulated Supervisor Peskin on being Board President and docent issues

Rodney Betronio; budget issues

CLOSED SESSION

050104 **[Closed Session - Existing Litigation, City as Defendant and City as Plaintiff]**

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following existing litigation:

(i) Macy Department Stores, Inc. formerly known as Macy's West, Inc., an Ohio Corporation; Broadway Stores, Inc., a Delaware Corporation; and Federated System Group, Inc., a Delaware Corporation, vs. City and County of San Francisco Superior Court No. 306-723 (consolidated with 321838 and 313390); A lawsuit challenging the constitutionality of the City's certain aspects of business tax; and

(ii) City and County of San Francisco vs. Flying Dutchman Park, Inc.; James Gabriel Vierling; San Francisco Superior Court No. 321376; California Court of Appeal No. A102026. A lawsuit involving the constitutionality of certain aspects of the City's parking tax.

Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1) permit this closed session. Discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in the pending lawsuits listed above. (City Attorney)

Supervisor Ammiano, seconded by Supervisor Ma, moved to convene in Closed Session. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recess

The Board recessed at the hour of 4:55 p.m. to convene in closed session pursuant to the above motion.

Reconvening of the Board

Supervisor Daly was noted absent at 5:15 p.m.

Supervisor Mirkarimi was noted absent at 5:19 p.m.

Supervisor Sandoval was noted absent at 5:21 p.m.

The Board at the hour of 5:43 p.m. reconvened.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin - 8

Report on Closed Session

Deputy City Attorney Ted Lakey reported that the Board of Supervisors has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9(a) for the purpose of conferring with, or receiving advice from, the City Attorney regarding the above pending litigation.

Persons in attendance:

Supervisors Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin

Ted Lakey, Deputy City Attorney

Julie Van Nostern, Deputy City Attorney

Owen Clements, Deputy City Attorney

Burk Delventhal, Deputy City Attorney

Ed Harrington, Controller

Gloria L. Young, Clerk of the Board

Kay Gulbengay, Deputy Clerk

The meeting was informational only and no action was taken.

[Elect Not to Disclose] Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

Supervisor Ammiano, seconded by Supervisor Ma, moved not to disclose its closed session deliberations. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick,

Peskin
Absent: 3 - Daly, Mirkarimi, Sandoval

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

050072 [Supporting Gay Adoption] **Supervisors Ammiano, Mirkarimi**

Resolution urging the Supreme Court of the United States to rescind their refusal and to accept the hearing of a legal challenge to Florida's prohibition of adoption of children by gays and lesbians.

Supervisor Mirkarimi requested to be added as a co-sponsor.

Enacted Number: 73-05

ADOPTED

050073 [Homeless Death Count] **Supervisors Daly, Dufty, Elsbernd, Mirkarimi**

Resolution urging the City Attorney to explore feasible means to access death records.

Supervisors Elsbernd and Mirkarimi requested to be added as co-sponsors.

Enacted Number: 79-05

ADOPTED

050074 [Reinstatement of Homeless Death Count by SFDPH] **Supervisors Daly, Ammiano, Sandoval, Mirkarimi, McGoldrick, Elsbernd**

Resolution urging Department of Health to reinstate Homeless Death Count.

Enacted Number: 81-05

ADOPTED

050075 [Commending Ray Wong] **Supervisors Dufty, Elsbernd**

Resolution commending Ray Wong for his career in civil service.

Supervisor Elsbernd requested to be added as a co-sponsor.

Enacted Number: 74-05
ADOPTED

050076 [Volunteer Blood Donor Month] Supervisor Ma

Resolution declaring January 2005 to be "Volunteer Blood Donor Month" in the City and County of San Francisco.

Enacted Number: 75-05
ADOPTED

050077 [SFMOMA Building Anniversary] Supervisors Ma, Elsbernd

Resolution congratulating the San Francisco Museum of Modern Art on the Tenth Anniversary of the Opening of their Mario Botta - designed building.

Supervisor Elsbernd requested to be added as a co-sponsor.

Enacted Number: 76-05
ADOPTED

050078 [Extending the term of the Biosciences Task Force to March 15, 2005] Supervisor Maxwell

Resolution extending the term of the Biosciences Task Force to March 15, 2005.

Enacted Number: 77-05
ADOPTED

050079 [Urging the California Legislature to standardize levels of aid payments for Kin-GAP Program] Supervisor McGoldrick

Resolution urging the California Legislature to standardize levels of aid payments for relative and non-relative legal guardianship in its Kinship Guardianship Assistance Program in order to encourage and support relative caretakers in taking guardianship of dependent and "at-risk" children.

Enacted Number: 82-05
ADOPTED

050046 [Needle Exchange Emergency] Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty, Mirkarimi

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Supervisor Mirkarimi requested to be added as a co-sponsor.

Enacted Number: M05-15

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed From Without Reference to Committee Agenda

Supervisor Sandoval requested that this matter be severed so that it might be considered separately.

Supervisor Mirkarimi Excused from Voting

Supervisor Sandoval, seconded by Supervisor Maxwell, moved to excuse Supervisor Mirkarimi from voting on this matter. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Mirkarimi

050105 **[Appointment to San Francisco LAFCO]** **Supervisor Peskin**

Motion appointing Supervisor Ross Mirkarimi, term ending February 4, 2006, to the San Francisco Local Agency Formation Commission.

Enacted Number: M05-12

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Mirkarimi

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding.Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding] Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved ADOPTION of the Commendatory Finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

[Brown Act Finding] Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved ADOPTION of the Brown Act Finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

050124 [Commending United States Senator Barbara Boxer] **Supervisor Sandoval**

Resolution commending United States Senator Barbara Boxer for her leadership during the nomination process for Secretary of State nominee Dr. Condoleezza Rice.

Enacted Number: 78-05

ADOPTED.

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

041154 [Zoning Map Amendments] **Supervisor Peskin**

Ordinance amending the San Francisco Planning Code by amending the Zoning Map of the City and County of San Francisco, Section Map 2, to

change the use district designation of Assessor's Block 0185, Lots 5, 29, 30, 31, 38, 39, 40, and 41 from NC-2 (Small-Scale Neighborhood Commercial District) to RM-1 (Residential, Mixed: Low Density); adopting findings pursuant to Planning Code Sections 302 and 101.1.

8/10/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 9/9/2004.

8/18/04, REFERRED TO DEPARTMENT. Referred to Planning for hearing and environmental review.

1/25/05, SUBSTITUTED. Supervisor Peskin submitted a substitute ordinance bearing new title.

1/25/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 2/24/2005. 01/26/05 - Substitute legislation re-referred to Planning for hearing and environmental review.

050117 **[Re-appropriate funding from Earthquake Safety Bond Phases 1 & 2 proceeds; re-appropriate funding from the Fire Bond proceeds and appropriate interest.]** Mayor

Ordinance re-appropriating $5,769,221 from the Earthquake Safety Bond Phases 1 & 2 proceeds to fund $2,724,875 on San Bruno Jail construction, $2,746,336 on San Francisco Juvenile Hall Guidance Center Project construction, and $298,010 for 4th Street Bridge construction for fiscal year 2004-05. Additionally, to re-appropriate $487,610 from the sale of Fire Bond proceeds and to appropriate $1,993,370 from Fire Bond interest earnings to fund construction expenses for Fire Station 2 for the Department of Public Works for fiscal year 2004-2005.

(Fiscal impact.)

1/25/05, RECEIVED AND ASSIGNED to Finance and Audits Committee.

050119 **[Appropriate surplus revenue to fund 32 new positions and various overhead expenses for Fiscal Year 2004-05]** Supervisor Daly

Ordinance appropriating $3,043,920 of surplus revenue from the Department of Building Inspection to fund 32 new positions, materials & supplies and equipment for Fiscal Year 2004-2005.

(Fiscal impact.)

1/25/05, RECEIVED AND ASSIGNED to Finance and Audits Committee.

050120 **[Appointing members to the IHSS Governing Body]** Supervisor Maxwell

Ordinance clarifying the process for appointing members to the IHSS Governing Body.

1/25/05, RECEIVED AND ASSIGNED to Rules Committee.

050133 [Defense Costs of Residential Hotel Ordinance] **Supervisor Peskin**

Ordinance amending Section 41.13 of the San Francisco Administrative Code, the Residential Hotel Unit Conversion and Demolition Ordinance, to clarify that funds in the Residential Hotel Preservation Fund may be expended both to create replacement housing and to administer the Ordinance, including defending it against legal challenge.

1/25/05, RECEIVED AND ASSIGNED to Finance and Audits Committee.

050134 [Requiring City offices to display signs, brochures, and forms for the San Francisco Working Families Credit Program] **Mayor, Supervisors Maxwell, Dufty, Mirkarimi**

Ordinance amending the San Francisco Administrative Code by adding Section 12S.2, to require City offices to display signs, brochures and forms for the San Francisco Working Families Credit Program.

1/25/05, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 2/24/2005.

050136 [Requiring departments to use interdepartmental mail] **Supervisor Ma**

Ordinance amending Chapter 8 of the Administrative Code by adding a new section 8.17 to require departments to use interdepartmental mail subject to certain limited exceptions.

1/25/05, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 2/24/2005.

050137 [Public Employment - Various Departments] **Supervisor McGoldrick**

Ordinance amending Ordinance No. 198-04 (Annual Salary Ordinance 2004/2005) reflecting the deletion of 58.76 positions at Administrative Services, Adult Probation, Airport Commission, Emergency Communications, Environment, Department of Human Resources, Juvenile, Public Health, Public Works, Recreation and Park, Telecommunication and Information Systems and the Department on the Status of Women.

(Fiscal impact.)

1/25/05, RECEIVED AND ASSIGNED to Finance and Audits Committee.

Resolutions

050116 [Meeting Schedule]

Resolution revising the regular meeting schedule of the Board of Supervisors by canceling the November 29, and the December 27, 2005 meetings and by

canceling all Board and Committee meetings from August 17 through September 5, 2005. (Clerk of the Board)

1/25/05, RECEIVED AND ASSIGNED to Rules Committee.

050122 **[Apply for, Accept and Expend State Grant]** **Supervisor Mirkarimi**

Resolution authorizing the Department of Public Works to apply for, accept and expend a grant in the amount of $298,010 in Waste Tire Enforcement Grant funds from the California Integrated Waste Management Board for enforcing proper disposal of waste tires and authorizing the Department of Public Works to apply for future Waste Tire Enforcement Grants.

1/25/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050123 **[Accept-Expend Federal and State Grants]** **Supervisor Elsbernd**

Resolution authorizing the Director of Transportation or his designee to accept and expend a Federal Transportation Enhancement Activities grant in the amount of $325,945, and a State Transportation Improvement Program grant in the amount of $42,230 from the Metropolitan Transportation Commission for a Shared Lane Pavement Marking TEA Project.

1/25/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050124 **[Commending United States Senator Barbara Boxer]** **Supervisor Sandoval**

Resolution commending United States Senator Barbara Boxer for her leadership during the nomination process for Secretary of State nominee Dr. Condoleezza Rice.

1/25/05, ADOPTED.

050138 **[Encouraging the California Institute for Regenerative Medicine to locate its Headquarters in San Francisco]** **Supervisors Alioto-Pier, Dufty**

Resolution encouraging the California Institute for Regenerative Medicine to locate its Headquarters in San Francisco.

1/25/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050139 **[Grant to improve pregnancy outcomes through implementing a smoke free pregnancy project]** **Supervisors Alioto-Pier, Dufty**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept retroactively and expend a new grant in the amount of $25,000 from the March of Dimes Foundation (MODF) for the Smoke Free Pregnancy Project, to enter into an agreement for the use of these funds,

and to add one new position funded through this grant; for the period of January 1, 2005, to December 31, 2005.

1/25/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050140 [Supporting Self-Anchored Suspension Design] **Supervisor Ammiano**

Resolution endorsing the principle that the most expeditious path to seismic safety for this critical component of the region's transportation infrastructure is to retain the Self-Anchored Suspension design that is 100 percent complete, fully permitted and ready to construct.

1/25/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050141 [Commemorating 60th Anniversary of Liberation of Auschwitz] **Supervisors Ammiano, Peskin, Dufty, Elsbernd, Sandoval, McGoldrick, Mirkarimi, Alioto-Pier, Daly, Ma, Maxwell**

Resolution commemorating the 60th anniversary of the liberation of Auschwitz death camps, expressing solidarity with similar commemorative ceremonies at the United Nations and across the world, reaffirming the commitment to the securing of human rights and dignity, acknowledging the human suffering of victims and survivors of the Holocaust, and imploring all nations to employ all preventive and diplomatic efforts to prevent current and future wars of genocide.

1/25/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050142 [Commending Dr. Boyd Stephens] **Supervisors Dufty, Mirkarimi**

Resolution commending Dr. Boyd Stephens on his career in civil service.

1/25/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050143 [Commending Tom Hayes] **Supervisors Elsbernd, Dufty, Ma, Peskin**

Resolution commending Tom Hayes on the celebration of his 80th Birthday.

1/25/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050144 [Accept-Expend Federal and State Grants] **Supervisor Elsbernd**

Resolution authorizing the Director of Transportation or his designee to accept and expend a Federal grant in the amount of $268,576 and a state

grant in the amount of $34,797 from the Metropolitan Transportation Commission for a Pedestrian Safety and Access Education TEA Project.

1/25/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050145 **[Parent Teacher Association (PTA) Day in San Francisco]** **Supervisors Ma, Dufty, Elsbernd, Mirkarimi**

Resolution declaring February 4, 2005 as "San Francisco Parent Teacher Association (PTA) Day" in the City and County of San Francisco.

1/25/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050146 **[Commending the Experimental Middle School of Beijing]** **Supervisor Ma**

Resolution commending the Experimental Middle School of Beijing Normal University for its leadership in international education and for its extensive contributions to our children's intellectual and cultural growth.

1/25/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050147 **[Potrero Power Plant Unit 3 to comply with water quality standards]** **Supervisors Maxwell, Daly, Mirkarimi**

Resolution urging the San Francisco Bay Regional Water Quality Control Board to require Mirant's Potrero Power Plant Unit 3 to come into compliance with all water quality standards and to terminate the wastewater discharge permit when the power plant is no longer needed for electric reliability.

1/25/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050148 **[Urging full funding of Community and Home Injury Prevention Project for Seniors (CHIPPS)]** **Supervisor Mirkarimi**

Resolution urging full funding and implementation of the Community and Home Injury Prevention Project for Seniors (CHIPPS) by the San Francisco Department of Public Health.

1/25/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050149 **[Opposing further gas and electric rate increases by PG&E]** **Supervisors Mirkarimi, Ammiano, Daly, Sandoval**

Resolution urging the California Public Utilities Commission to require PG&E to provide accurate and timely electric bills and reliable service, and

opposing further rate increases, and urging the California Public Utilities Commission to reverse the constant gas and electric rate increases of the last decade and reduce rates to a just and reasonable level.

1/25/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050150 [Oppose Privatization of Social Security] **Supervisors Mirkarimi, Sandoval**

Resolution urging members of San Francisco's Congressional delegation to oppose, reject, and vote against any legislation that would partially or fully privatize Social Security.

1/25/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050157 [Commending Deputy City Attorney Andrew W. Schwartz] **Supervisors Peskin, Dufty, Daly**

Resolution commending Andrew W. Schwartz for twenty-two years of exemplary public service to San Francisco as a Deputy City Attorney, and wishing him well in his future endeavors at Shute, Mihaly & Weinberger.

1/25/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050158 [Commending Tripta Gupta] **Supervisors Peskin, Dufty**

Resolution commending Tripta Gupta for a successful career with City and County of San Francisco, and wishing her a happy retirement.

1/25/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050159 [Mary Ellen Pleasant Day] **Supervisors Peskin, Maxwell**

Resolution declaring February 10, 2005, "Mary Ellen Pleasant Day" in San Francisco.

1/25/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050160 [Wild Parrot Day] **Supervisors Peskin, McGoldrick, Mirkarimi**

Resolution declaring February 9, 2005 Wild Parrot Day.

1/25/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests For Hearing

050118 [MUNI's Implementation of Proposition I] **Supervisors Ammiano, Maxwell, Daly**

Hearing to inquire into the progress of MUNI's implementation of Proposition I, approved by San Francisco voters in March 2004 which requires MUNI to replace all pre-1991 diesel buses on or before January 1, 2007 and further establishing annual deadlines for the retirement of outmoded buses.

1/25/05, RECEIVED AND ASSIGNED to Land Use Committee.

050121 [Billing and Collections Revenue Maximization at DPH-SFGH] **Supervisor Ammiano**

Hearing on billing and collections revenue maximization at the Department of Public Health and San Francisco General Hospital to include, but not limited to: (1) Status of billing and collections recommendations made by the Budget Analyst in the San Francisco General Hospital audit; (2) A status report by the Controller's Office on their audit, including detail on audit objectives; and (3) A report by the Department of Public Health on revenue maximization measures implemented by the Chief Financial Officer.

1/25/05, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be scheduled for consideration the week of February 21st, 2005.

050125 [Findings of the Citizen's General Obligation Bond Oversight Committee regarding SFUSD's Financial Controls] **Supervisor Alioto-Pier**

Hearing on the findings of the Citizen's General Obligation Bond Oversight Committee regarding the San Francisco Unified School District's poor financial controls and auditing procedures with regard to bond projects. Also requesting that the Controller present his audit findings on this matter at the hearing.

1/25/05, RECEIVED AND ASSIGNED to City and School District Select Committee.

050126 [Working Families Tax Credit Program] **Supervisor Maxwell**

Hearing on the City's Working Families Tax Credit program. The hearing will focus on how local residents can apply for the tax credit in the next two months and examine what City government is doing to publicize the program.

1/25/05, RECEIVED AND ASSIGNED to Finance and Audits Committee.

050127 [Alternatives to Use of Plastic Products] **Supervisor McGoldrick**

Hearing on the biodegradable, environmentally conscious alternatives to plastic products (bags, cups, utensils and all other projects), in order to reduce the overall use and consumption of plastic items. The hearing will focus on the available alternatives to plastic, as well as the availability and cost factors involved to obtain and use such products.

1/25/05, RECEIVED AND ASSIGNED to City Services Committee.

050128 **[Community and Home Injury Prevention Project for Seniors]** **Supervisor Mirkarimi**

Hearing on the status and future of the Community and Home Injury Prevention Project for Seniors (CHIPPS) of the San Francisco Department of Public Health.

1/25/05, RECEIVED AND ASSIGNED to City Services Committee.

050135 **[Suicide Barrier on the Golden Gate Bridge.]** **Supervisor Ammiano**

Hearing to inquire into the feasibility of the installation of a suicide barrier on the Golden Gate Bridge.

1/25/05, RECEIVED AND ASSIGNED to City Services Committee.

Motions

050050 **[Limiting Single Supervisor's Ability to Call Matters from Committee]** **Supervisor Peskin**

Motion amending the Rules Order of the Board of Supervisors to amend Rule 5.31 Failure of a Committee to Act within 30 Days, thereby allowing four Supervisors to call a matter from Committee and allowing one Supervisor to call a matter from Committee that has not been heard in Committee within thirty days of assignment to Committee.

1/11/05, RECEIVED AND ASSIGNED to Rules Committee.

1/25/05, ASSIGNED to Rules Committee.

1/25/05, SUBSTITUTED. Supervisor Peskin submitted a substitute Motion bearing new title.

050129 **[Legislative Analyst Request - Overweight and Overlength Sport Utility Vehicles]** **Supervisor Mirkarimi**

Motion requesting the Office of the Legislative Analyst to: (1) report on damages caused by overweight and overlength sport utility vehicles on the City's roadways; (2) report on programs and systems employed by other cities, specifically Washington DC and Seattle, to recoup these costs; and, (3) report on the feasibility and effectiveness of creating a free structure whereby large and luxury sport vehicle owners would pay an increased

residential parking permit fee.

1/25/05, ASSIGNED to Board of Supervisors. Scheduled for Board consideration February 1, 2005. In-depth report delivery date: April 1, 2005

050130 **[Legislative Analyst Request - Community Policing Practices]** **Supervisor Mirkarimi**

Motion requesting the Office of the Legislative Analyst to prepare an analysis of community policing practiced in cities of comparable size to San Francisco, nationally and internationally, to include factors of a standardized operating procedure and/or formalized factors. Please inform the requester if and how community policing practices may be legislated by the Board in the City and County of San Francisco.

1/25/05, ASSIGNED to Board of Supervisors. Scheduled for Board consideration February 1, 2005. In-depth report delivery date: February 8, 2005.

050131 **[Rules of Order of the Board - Board Member Report on activities at Regional Agencies]** **Supervisor Peskin**

Motion amending the Rules of Order 3.9 Roll Call for Introductions to provide a report on activities at regional agencies.

1/25/05, RECEIVED AND ASSIGNED to Rules Committee.

050132 **[Rules of Order of the Board - Material Economic Impact Legislation]** **Supervisor Alioto-Pier**

Motion amending the Rules of Order of the Board of Supervisors to provide a process for holding hearings associated with legislation that might have a material economic impact on the City.

1/25/05, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED ORDINANCES

050045 **[Sale of City Property]**

Ordinance ordering the sale at public auction of City-owned property located at 1648 Pacific Avenue and 2350 19th Avenue; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the sale is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing other actions in furtherance of this ordinance. (Real Estate Department)

(Supervisor Daly dissenting in Committee.)

1/7/05, RECEIVED AND ASSIGNED to Finance and Audits Committee.

050085 [Ordering vacation of 22nd Street between Arkansas and Connecticut Streets]

Ordinance ordering the vacation of the 22nd Street right-of-way between Arkansas and Connecticut Streets subject to reservations of certain utility easements in the vacated area; authorizing the sale of a portion of the vacated street area pursuant to the terms of an agreement for sale of real estate; adopting environmental findings and findings that such actions are consistent with the City's General Plan and the Priority Policies of Planning Code Section 101.1; and authorizing official acts in connection with this ordinance. (Real Estate Department)

1/13/05, RECEIVED AND ASSIGNED to Land Use Committee.

PROPOSED RESOLUTIONS

050080 [One Year Tolling Agreement]

Resolution approving the City Attorney's entry into a mutual tolling agreement governing administrative claims or suit by the City of Daly City ("Daly City") against the City and County of San Francisco ("San Francisco") and/or San Francisco against Daly City. (City Attorney)

1/12/05, RECEIVED AND ASSIGNED to Rules Committee.

050081 [Public Auction]

Resolution authorizing Tax Collector to sell at public auction certain parcels of tax-defaulted real property.

1/10/05, RECEIVED AND ASSIGNED to Finance and Audits Committee.

050082 [Exchange of real property within the Japan Center Garage (Lot 34, 35, Assessor's Block 700)]

Resolution authorizing the exchange of certain City-owned real property generally known as a portion of Lot 35, Assessor's Block 700 for certain property owned by Dae Woong Kim, et al generally known as a portion of Lot 34, Assessor's Block 700; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the exchange is consistent with the City's general plan and eight priority policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents and take certain actions in furtherance of this resolution. (Real Estate Department)

1/10/05, RECEIVED AND ASSIGNED to Finance and Audits Committee.

050084 [Vacation of 22nd Street between Arkansas and Connecticut Streets]

Resolution declaring the intention of the Board of Supervisors to vacate the 22nd Street right-of-way between Arkansas and Connecticut Streets; setting the hearing date for all persons interested in the proposed vacation of the street area; and adopting environmental findings and findings that the vacation is consistent with the City's General Plan and the Eight Priority Policies of Planning Code Section 101.1. (Real Estate Department)

1/13/05, RECEIVED AND ASSIGNED to Land Use Committee.

Requests Granted

From: Supervisor Elsbernd

To: City Attorney

To: Director, Department of Public Works

Requesting/Inquiring: To work with the Department of Public Works to identify issues related to public right-of-way pathways in the Ingleside Terrace area and formulate, where necessary, legislation to resolve these issues.

From: Supervisor Mirkarimi

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney search for a check the Department of Parking and Traffic has been holding for $25,000 written by "The Lalaine Group" the preceding Falletti Plaza developer, to fund pedestrian improvements in the vicinity of the new complex on Broderick between Fell Street and Oak Street. Specifically:

1. Where is the check?

2. Has the check been cashed?

3. If so, where are the funds being held?

4. Since the countdown lights that were initially to be paid for by this check have been federally funded in the interim, what is the latitude in utilizing the funds for other nearby pedestrian improvements?

5. What is the feasibility of creating bulb outs at Broderick and Oak Streets and Broderick and Fell Streets to make crossing safer when the complex is completed and pedestrian traffic is increased?

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

To: Director, Municipal Transportation Agency

Requesting/Inquiring: To report on the status of a proposed traffic light at the intersection of Turk and Baker Streets.

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

To: Director, Municipal Transportation Agency

Requesting/Inquiring: To report on the feasibility of establishing a flashing crosswalk from Page Street over Stanyan Street to Golden Gate Park.

From: Supervisor Mirkarimi

To: Director, Department of Public

In Memoriams

Kathleen Harrington (Entire Board)

Danny Benson (Supervisor Ammiano)

Celia Salinas-Rosenberg (Supervisor Daly)

Madalyn Lopez (Supervisor Peskin)

Jerry H. "Emperor Norton" Barndt (Supervisor Peskin)

Jean Auer (Supervisor Sandoval)

William and Jane Dickerson (Supervisor Alioto-Pier)

ADJOURNMENT

There being no further business, the Board at the hour of 5:45 p.m. adjourned.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on February 22, 2005.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County

of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.
Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.
Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.
Agenda are available on the internet at www.sfgov.org/bdsupvrs.bos.htm.
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Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.
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Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.
AVISO EN ESPAŸOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7701

Disability access

The Legislative Chamber of the Board of Supervisors is in Room 250 of City Hall, 1 Dr. Carlton B. Goodlett Place. The Chamber is wheelchair accessible.
The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.
There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.
All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.
The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting. This advance notice will help ensure availability.
ú For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.
ú For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.
Assistive listening devices are available from the receptionist in the Clerk of the

Board's Office, Room 244, prior to the meeting.
The Clerk of the Board's Office TTY number is (415) 554-5227.
In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102 by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org
Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine.htm

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

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City and County of San Francisco
Board of Supervisors

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MEETING MINUTES

Tuesday, February 8, 2005
2:00 PM
Legislative Chamber - Second Floor
Regular

Board of Supervisors

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL

Members Present: *Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona*

Ma, Sophie Maxwell, Jake McGoldrick, Aaron Peskin, Gerardo Sandoval.

Members Excused: *Ross Mirkarimi.*

Members Absent: *None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll

Supervisor Mirkarimi was noted absent.

Quorum present.

Supervisor Mirkarimi was previously excused from attending today's meeting. (See Infra)

Supervisor Mirkarimi Excused from Attendance

Supervisor Dufty, seconded by Supervisor Maxwell, moved to excuse Supervisor Mirkarimi from attending today's meeting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Mirkarimi

AGENDA CHANGES

CONSENT AGENDA

Recommendations of the City Services Committee

050004 **[Implementation of the State's Pierce's Disease Control Program]** **Mayor**

Resolution authorizing the San Francisco Department of Public Health, Occupational and Environmental Health Services (SFDPH/OEHS) to enter retroactively into an agreement with the State Department of Food and Agriculture (SDFA), and expend funds in the amount of $63,887.65 to implement in San Francisco the SDFA Pierce's Disease Control Program; for the period of July 1, 2004 to June 30, 2005.

Enacted Number: 105-05
ADOPTED

050035 [Contract funds to detect and eradicate infestations of P. ramorum, the causal agent of sudden oak death, in host plants in nursery stock in San Francisco] Supervisors Alioto-Pier, Dufty

Resolution authorizing the San Francisco Department of Public Health, Occupational and Environmental Health Services (SFDPH/OEHS) to enter retroactively into a performance agreement with the California Department of Food and Agriculture (CDFA), and expend funds in the amount of $3,296 to assist in the implementation in San Francisco of the CDFA Sudden Oak Death (SOD) Program; for the period of March 1, 2004 to February 28, 2005.

Enacted Number: 106-05
ADOPTED

050057 [Grant to enable the San Francisco Department of Public Health to prepare to respond to a potential bioterrorism attack] Mayor, Supervisors Dufty, Elsbernd

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept retroactively and expend Cities Readiness Initiative grant funds in the amount of $910,514 from the Centers for Disease Control (CDC) to prepare to respond to a potential bioterrorism attack and to enter into an agreement for the use of these funds; for the period of August 31, 2004, to August 30, 2005.

Enacted Number: 107-05
ADOPTED

Recommendation of the Finance and Audits Committee

041733 [Tattooing and piercing license fees] Supervisor Daly

Ordinance amending Section 258 of the San Francisco Health Code to increase the license fee for permission to engage in the practice of tattooing and piercing from $105 per year to $129 per year.

Enacted Number: 37-05

FINALLY PASSED

Recommendation of the Land Use Committee

041725 [Parking Violation Penalties]

Ordinance amending San Francisco Traffic Code Sections 32, 32.1, 32.1.1 through 32.1.7, 32.1.9, 32.1.10, 32.1.11, 32.2, 32.2.1, 32.2.2, 32.2.3, 32.3, 32.3.1, 32.5, 32.6.1, 32.6.2, 32.6.3, 32.6.5, 32.6.6, 32.6.7, 32.6.8, 32.6.10, 32.6.11, 32.6.12, 32.6.13, 32.6.14, 32.6.16 through 32.6.29, 32.20, 210, and 412 regarding penalties for parking violations and authorizing the setting of specific penalties for parking violations through a schedule of fines approved by ordinance of the Board of Supervisors. (Municipal Transportation Agency)

Enacted Number: 36-05

FINALLY PASSED

Recommendations of the Rules Committee

041764 [Settlement of Lawsuit - American Motorists Insurance Company]

Ordinance authorizing settlement of the lawsuit filed by American Motorists Insurance Company against the City and County of San Francisco for $85,000; the lawsuit was filed on November 14, 2001 in San Francisco Superior Court, Case No. 401-290; entitled American Motorists Insurance Co., et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

050007 [Dissolving Lead Poisoning Prevention Citizens Advisory Committee] Supervisor Maxwell

Ordinance repealing section 1607 of the Municipal Health Code, which established the Lead Poisoning Prevention Citizens Advisory Committee, and thereby dissolving the Lead Poisoning Prevention Citizens Advisory Committee.

Enacted Number: 38-05

FINALLY PASSED

050111 [Appointment - Veterans Affairs Commission]

Resolution appointing Jill Buck, term ending January 31, 2006, to the Veterans Affairs Commission; residency requirement waived.

Jill Buck (residency requirement waived), succeeding Carla Hollis, resigned, seat 5, must be a woman veteran, for the unexpired portion of a four-year term ending January 31, 2006.

Enacted Number: 109-05

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Mirkarimi

Severed From Consent Agenda

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

050058 [Reintegrate clients at Laguna Honda Hospital into independent living in the community] **Supervisor Elsbernd**

Resolution authorizing the San Francisco Department of Public Health/ Laguna Honda Hospital and Rehabilitation Center (SFDPH/LHH) to accept and expend retroactively a grant in the amount of $50,000 from the California HealthCare Foundation (CHCF), to reintegrate clients into independent living within the community and to enter into an agreement for the use of these funds; for the period of January 1, 2005 through December 31, 2005.

Representative from the Department of Public Health reviewed the legislation with the Board members.

Enacted Number: 108-05

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Rules Committee

041775 [Appointment - Ethics Commission]

Motion appointing Eileen Hansen, term expiring February 1, 2011, to the Ethics Commission.

Eileen Hansen, succeeding Michael Garcia, term expiring February 1, 2005, seat 1, must be broadly representative of the general public, for a six-year term ending February 1, 2011. (Supervisor Alioto-Pier dissenting in Committee)

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved to re-refer this matter to Committee.

Motion to re-refer this matter to Committee failed by the following vote:

Ayes: 4 - Alioto-Pier, Elsbernd, Ma, Sandoval

Noes: 6 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Peskin

Excused: 1 - Mirkarimi

Enacted Number: M05-20

APPROVED by the following vote:

Ayes: 7 - Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Peskin
Noes: 3 - Alioto-Pier, Elsbernd, Sandoval
Excused: 1 - Mirkarimi

NEW BUSINESS

Recommendation of the City Services Committee

041488 [Regulating Computer Rental Businesses] Supervisor Ma

Ordinance adding Article 10.2 to the San Francisco Police Code, regulating businesses that rent computer time to patrons by prohibiting minors from using game controllers or renting computer time for purposes of gaming during certain times, requiring supervision, regulating waiting lists, posting

hours of operation, and providing for a penalty.

PASSED ON FIRST READING by the following vote:
Ayes: 7 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin, Sandoval
Noes: 3 - Ammiano, Daly, McGoldrick
Excused: 1 - Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Ma, seconded by Supervisor Dufty, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Mirkarimi

Supervisor Ma introduced, welcomed and presented Certificates of Honor to winners of the Independent Center for Self Living poster contest.

SPECIAL ORDER 4:00 P.M.

Supervisor Sandoval was noted present at 4:46 p.m.

041275 **[Public Hearing - Appeal of Revised Certificate of Determination of Exemption from Environmental Review - American Buddhist Cultural Society Building located at 1730-1750 Van Ness Avenue]**
Hearing of persons interested in or objecting to the decision of the Planning Department dated August 13, 2004, Case No. 2003.0657E, approving the proposed project to include: a renovation and vertical addition to the existing one-story-plus-mezzanine American Buddhist Cultural Society

building; an expanded second level and construction of third and fourth levels for a total of four stories and a total height of approximately 70 feet; and add approximately 16,798 gross square feet (gsf) to the existing building for a total square footage of 27,758 gsf, located at 1730-1750 Van Ness Avenue, Assessor's Block 0622, Lot 019. (Appellant: 1776 Sacramento Street Homeowners Association, represented by the Law Offices of Stephen M. Williams).

(Filed September 9, 2004; companion measure to Files 041276, 041277, 041278; District 3.)

President inquired as to whether or not a member of the public wished to address the Board.

There were no speakers.

The President declared the public hearing closed.

Continued to March 15, 2005.

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Daly
Excused: 1 - Mirkarimi

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

041276 **[Affirming the categorical exemption issued for 1730-1750 Van Ness Avenue]**

Motion affirming the determination by the Planning Department that the 1730-1750 Van Ness Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to March 15, 2005

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Daly
Excused: 1 - Mirkarimi

041277 **[Disapproving the categorical exemption issued for 1730-1750 Van Ness Avenue]**

Motion disapproving the determination by the Planning Department that the 1730-1750 Van Ness Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to March 15, 2005

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Daly
Excused: 1 - Mirkarimi

041278 **[Preparation of findings related to the categorical exemption issued for 1730-1750 Van Ness Avenue]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 1730-1750 Van Ness Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to March 15, 2005

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Daly
Excused: 1 - Mirkarimi

050037 **[Public Hearing - Appeal of Categorical Exemption for 837-847 Montgomery Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated December 13, 2004, Case No. 2004.0924E, approving the proposed conversion of an existing office use in two adjoining three-story-over-basement masonry buildings to 13-residential units with basement parking for up to 9 cars; construction of two-additional floors and a stair penthouse, and removal of alterations made to the ground-floor fa‡ade and replacement with a new storefront design. The project site is a 6,800 sq. ft. parcel located at 837-847 Montgomery Street, Assessor's Block 176, Lots 3 and 3A, within the C-2 (Community Business) zoning district and a 65A

height and bulk district.

The existing buildings are within the Jackson Square Historic District. (Appellant: San Francisco Architectural Heritage represented by their Attorney, Susan Brandt-Hawley, Brandt-Hawley Law Group.)

(Filed January 5, 2005; companion measure to Files 050038, 050039, 050040; District 3.)

Continued to February 22, 2005

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Daly
Excused: 1 - Mirkarimi

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

050038 [Affirming the categorical exemption issued for 837-847 Montgomery Street]

Motion affirming the determination by the Planning Department that the 837-847 Montgomery Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to February 22, 2005

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Daly
Excused: 1 - Mirkarimi

050039 [Disapproving the categorical exemption issued for 837-847 Montgomery Street]

Motion disapproving the determination by the Planning Department that the 837-847 Montgomery Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to February 22, 2005

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Daly
Excused: 1 - Mirkarimi

050040 **[Preparation of findings related to the categorical exemption issued for 837-847 Montgomery Street]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 837-847 Montgomery Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to February 22, 2005

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Daly
Excused: 1 - Mirkarimi

ROLL CALL FOR INTRODUCTIONS

Supervisors Sandoval and Daly were noted absent at 4:15 p.m.

PUBLIC COMMENT

Abdullah Megaheed; general issues

John Didonna; general issues

Peter Warfield; Library issues

James Chaffee; Library issues

Male speaker; environmental issues

Female speaker; Support of Item 24, St. Brigid's Church

Male speaker; Support of Item 24, St. Brigid's Church

Female speaker; Support of Item 24, St. Brigid's Church

Ms. Pan; Chinese Year celebration

Female speaker; Support of Item 24, St. Brigid's Church

Beatrice St. John; Support of Item 24, St. Brigid's Church

Mary Bates; Support of Item 24, St. Brigid's Church

John; Support of Item 24, St. Brigid's Church

Female speaker; Support of Item 24, St. Brigid's Church

Architect; Support of Item 24, St. Brigid's Church

Female speaker; Support of Item 24, St. Brigid's Church

Male speaker; Save Sacred Heart Church

Female speaker; Support of Item 24, St. Brigid's Church

Female speaker; Support of Item 24, St. Brigid's Church

Ms. Kelly; Support of Item 24, St. Brigid's Church

Clementia Garcia; Support of Item 24, St. Brigid's Church

Jan Mirandez; Support of Item 24, St. Brigid's Church

Charles Chase, Architecural Heritage; Support of Item 24, St. Brigid's Church

Michael Strausz; Support of Item 24, St. Brigid's Church, proposing to acquire by eminent domain

James Ulysses J. Montgomery; Support of Item 24, St. Brigid's Church, proposing to acquire by eminent domain

Female speaker; Support of Item 24, St. Brigid's Church

Alan Martinez; Support of Item 24, St. Brigid's Church

Dorothy; Support of Item 24, St. Brigid's Church

Trina Washington; Support of Item 24, St. Brigid's Church

Joe Dignan; Support of Item 24, St. Brigid's Church

SF Resident; Opposed to Item 24, more parades

Reverend Lia Brown, Metropolitan Community Foundation; Support of Item 25

Female speaker; Support of Item 24, St. Brigid's Church

Lynn

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

Supervisor Daly was noted present at 4:50 p.m.

050194 **[Initiate the Designation of 2151 Van Ness Avenue, St. Brigid Church, as a Landmark]** **Supervisors Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Ma**

Resolution initiating the designation of 2151 Van Ness Avenue, St. Brigid Church, Block 0575, Lot 015, as a landmark pursuant to Section 1004.1 of the Planning Code.

Supervisor Ma requested to be added as a co-sponsor.

Enacted Number: 110-05

ADOPTED

050195 **[Renew Funding for Metropolitan Community Foundation's Shower]** **Supervisors Ammiano, Dufty**

Resolution urging the Mayor's Office of Community Development to fully renew funding for Metropolitan Community Foundation's Shower Project and to fully fund its new case management program.

Supervisor Dufty requested to be added as a co-sponsor.

Enacted Number: 111-05
ADOPTED

050196 **[Progress of Implementation of Proposition H]** **Supervisor Ammiano**

Resolution urging Superintendent of the San Francisco Unified School District to convene a meeting in a timely manner with and the San Francisco Board of Education and appropriate City Departments to discuss the progress of the implementation of Proposition "H", the Public Education Fund.

Enacted Number: 112-05
ADOPTED

050198 **[Condemning Homophobic Violence]** **Supervisors Ammiano, Elsbernd, Dufty, Ma**

Resolution strongly condemning hate-motivated violence directed against Lesbian, Gay, Bisexual and Transgender individuals and further urging all legal authorities to guarantee that all such violations be punished without discrimination and further urging the US government to give equal consideration to violations based on sexual orientation and gender identity in reporting and formulating policies around the promotion of global human rights.

Supervisors Dufty and Ma requested to be added as co-sponsors.

Enacted Number: 113-05
ADOPTED

050199 **[Commending Turning the Tide for its efforts in relief of tsunami victims]** **Supervisors Dufty, Ammiano, Elsbernd**

Resolution commending Turning the Tide for its efforts in relief of tsunami victims.

Supervisor Elsbernd requested to be added as a co-sponsor.

Enacted Number: 114-05
ADOPTED

050200 **["Give Kids A Smile" Day in San Francisco]** **Supervisor Ma**

Resolution declaring February 4th, 2005 as "Give Kids A Smile Day" in the City and County of San Francisco.

Enacted Number: 115-05
ADOPTED

050201 [Lunar New Year 2005] Supervisors Ma, Elsbernd

Resolution celebrating the Lunar New Year and proclaiming February 9, 2005, the first day of the Year of the Rooster.

Supervisor Elsbernd requested to be added as a co-sponsor.

Enacted Number: 116-05

ADOPTED

050202 [Recognizing the month of February as Black History Month] Supervisors Maxwell, Mirkarimi, Elsbernd, Dufty, Ma

Resolution recognizing the month of February as Black History Month.

Supervisors Elsbernd, Dufty and Ma requested to be added as co-sponsors.

Enacted Number: 117-05

ADOPTED

050203 [Punxsutawney Phil Day] Supervisor McGoldrick

Resolution recognizing February 2, 2005 as Punxsutawney Phil Day.

Enacted Number: 118-05

ADOPTED

050204 [Supporting Marine Life Protection Act] Supervisor Mirkarimi

Resolution supporting Implementation of the Marine Life Protection Act.

Enacted Number: 119-05

ADOPTED

050205 [Accept-Expend Regional Grant] Supervisor Mirkarimi

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $6,000.00 from Altamont Education Advisory Board through the City of Livermore to expand recycling and lunchroom composting programs at schools.

Enacted Number: 120-05

ADOPTED

050206 [Accept-Expend State Grant] Supervisors Dufty,

Mirkarimi

Resolution authorizing the Director of Transportation or his designee to apply for, accept, and expend $134,100 in Caltrans funds to stripe and sign bike lanes and to execute any and all associated documents.

Enacted Number: 121-05

ADOPTED

050207 **[Commending the establishment of the Department of Chicana and Chicano Studies at the University of California, Los Angeles]** — **Supervisor Sandoval**

Resolution commending the establishment of the Department of Chicana and Chicano Studies at the University of California, Los Angeles.

Enacted Number: 122-05

ADOPTED

050172 **[Needle Exchange Emergency]** — **Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Enacted Number: M05-21

APPROVED

050174 **[Suspending Board Rules to permit the Clerk of the Board to expedite preparation of the Board's 2005-2006 budget for submission to the Mayor]** — **Supervisor Ammiano**

Motion suspending Board Rules 6.23 and 6.24 to permit the Clerk of the Board of Supervisors to expedite preparation of the Board's proposed 2005-2006 fiscal year budget for submission to the Mayor by waiving the requirements that a Committee of the Board conduct a hearing to discuss budget balancing guidelines, and that a Committee hearing be conducted for review of the proposed budget prior to its submission to the Mayor.

Enacted Number: M05-22

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell,

McGoldrick, Peskin, Sandoval
Excused: 1 - Mirkarimi

Supervisor Daly requested that this matter be severed so that it might be considered separately.

050171 **[Retroactively Accept-Expend Federal Funding-HOME American Dream Downpayment Initiative Program and Permanent Housing for the Chronically Homeless Funds]** **Supervisors Dufty, Elsbernd**

Resolution authorizing the Mayor of the City and County of San Francisco to retroactively accept and expend grants from the U.S. Department of Housing and Urban Development (HUD) for a total amount of $1,358,286 including $858,286 for the HOME American Dream Downpayment Initiative Program, and $500,000 in Competitively Reallocated HOME Funds to Provide Permanent Housing for the Chronically Homeless, authorized under TITLE II of the National Affordable Housing Act of 1990, Public Law Number 101-625.

Supervisor Daly requested that this matter be referred to Committee.

Supervisor Elsbernd requested to be added as a co-sponsor.

REFERRED to the Budget and Finance Committee.

Supervisor Daly requested that this matter be severed so that it might be considered separately.

050180 **[Controller's review of Condominium Conversion application process]** **Supervisors Dufty, Alioto-Pier, Elsbernd, Ma**

Resolution calling for the City Controller to make recommendations on possible improvements in condominium conversion pipeline to streamline processing of approved applications.

Supervisor Daly requested that this matter be referred to Committee.

REFERRED to the Land Use Committee.

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

050208 **[Department of Environment to complete a nexus study on a local shopping bag fee]** **Mayor, Supervisor Mirkarimi**

Resolution instructing the Department of Environment to complete a nexus study in order to identify the relationship between the use of disposable

supermarket shopping bags and various costs to the City, and to determine the legality and appropriateness of a local fee on these bags.

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Mirkarimi

Resolution instructing the Department of Environment to complete a nexus study in order to identify the relationship between the use of disposable supermarket shopping bags and various costs to the City, and to determine the legality and appropriateness of a local fee on these bags and on any other appropriate policy alternatives.

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Mirkarimi

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

050213 **[To appropriate supplemental funds to fund the SFPUC Water Capital Improvement Program (CIP) for the remainder of fiscal year 2004-2005]** **Mayor**

Ordinance appropriating $23,687,000 of bond sales proceeds from the Water Department to fund the San Francisco Public Utilities Commission's (SFPUC) Capital Improvements Program for fiscal year 2004-05.

(Fiscal impact.)

2/8/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050215 **[Revision of the recourse hearing procedures for public work prevailing wage violations]** — **Supervisors Ammiano, Peskin**

Ordinance amending subsection 6.22(E)(8)(c) to revise the recourse hearing procedures for contractors challenging forfeitures for prevailing wage violations on public work projects.

2/8/05, RECEIVED AND ASSIGNED to Rules Committee.

050218 **[Seventh Amendment to Redevelopment Plan for the Western Addition Project Area A-2]** — **Mayor, Supervisor Mirkarimi**

Ordinance Approving and adopting the Seventh Amendment to the Redevelopment Plan for the Western Addition Project Area A-2 to amend elements of the density, parking, height and bulk restrictions for five (5) sites referred to as Parcel 732-A and 725-C (also known as the Jazz Center Site), Parcel A, Parcel C, Rosa Parks and the Muni Substation; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan Amendment is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and adopting other findings pursuant to the California Community Redevelopment Law.

2/8/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 3/10/2005.

041317 **[Public Works Code Short-Term Occupancy of Right-of-Way]** — **Supervisor Dufty**

Ordinance amending Public Works Code Section 724 concerning temporary occupancy of the public right-of-way to adopt special conditions for occupation of seven days or less.

9/21/04, RECEIVED AND ASSIGNED to City Services Committee.

1/31/05, TRANSFERRED to City Operations and Neighborhood Services Committee. New committee structure effective 2/7/05.

2/8/05, SUBSTITUTED. Supervisor Dufty submitted a substitute ordinance bearing same title.

2/8/05, ASSIGNED to City Operations and Neighborhood Services Committee.

041611 **[Authorization for a Local Disease Prevention Demonstration Project]** — **Supervisors Dufty, Ammiano**

Ordinance amending the Health Code to add Section 31 authorizing the Department of Public Health to create and operate a Disease Prevention Demonstration Project to register pharmacies to sell or furnish hypodermic needles without a prescription as allowed under State law, such registration to consist of the department maintaining a list of participating pharmacies, providing such pharmacies with written information for customers on how to access drug treatment, HIV and Hepatitis C testing and treatment, and safe disposal of sharps waste.

11/23/04, RECEIVED AND ASSIGNED to City Services Committee.

12/15/04, REFERRED TO DEPARTMENT. Referred to City Attorney for review and approval as to form.

1/11/05, SUBSTITUTED. Supervisor Dufty submitted a substitute ordinance bearing new title.

1/11/05, ASSIGNED to City Services Committee.

1/31/05, TRANSFERRED to City Operations and Neighborhood Services Committee. New committee structure effective 2/7/05.

1/31/05, REFERRED TO DEPARTMENT. Referred to Small Business Commission and Youth Commission for comment and recommendation.

2/8/05, SUBSTITUTED. Supervisor Dufty submitted a substitute ordinance bearing new title.

2/8/05, ASSIGNED to City Operations and Neighborhood Services Committee.

050185 **[Refusing to install the facilities necessary to obtain utility services in a legislated underground district is a public nuisance]** **Supervisor Alioto-Pier**

Ordinance amending Article 18 of the San Francisco Public Works Code by adding Sections 944 to 953 to declare a public nuisance and allow for summary abatement of such nuisance at any property where the property owner has refused to comply with an order from the Director of Public Works that the property owner install conduits and associated equipment necessary to obtain utility services at a building or structure on property located in a legislated underground district; amending Section 926 of the Public Works Code to allow the City to recover all costs incurred by the City to enforce any provision of Article 18 of the Public Works Code; and amending Sections 900, 920, 921, 923, 929, and 930 and repealing Sections 922, 924, 925, 927, 928 and 931 of Article 18 of the Public Works Code consistent with this legislation.

2/1/05, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 3/3/2005.

2/8/05, SUBSTITUTED. Supervisor Alioto-Pier submitted a substitute ordinance bearing same title.

2/8/05, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 3/10/2005.

032031 **[Limited Equity Conversions]** **Supervisor Daly**

Ordinance approving a method for Community Land Trusts to convert existing residential buildings to limited-equity condominiums.

12/16/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 1/15/2004.

1/28/04, REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review.

1/29/04, RESPONSE RECEIVED. Determination of Exemption from Environmental Review, dated 1/29/04.

12/16/04, FILED. File pursuant to Rule 5.37.

2/8/05, REACTIVATED PURSUANT TO RULE 5.23. Supervisor Day requested this matter be reactivated.

2/8/05, ASSIGNED to Land Use Committee. 2/15/05, Clerical correction to title to include the Code, Article and Sections.

Resolutions

050171 **[Retroactively Accept-Expend Federal Funding-HOME American Dream Downpayment Initiative Program and Permanent Housing for the Chronically Homeless Funds]** — **Supervisors Dufty, Elsbernd**

Resolution authorizing the Mayor of the City and County of San Francisco to retroactively accept and expend grants from the U.S. Department of Housing and Urban Development (HUD) for a total amount of $1,358,286 including $858,286 for the HOME American Dream Downpayment Initiative Program, and $500,000 in Competitively Reallocated HOME Funds to Provide Permanent Housing for the Chronically Homeless, authorized under TITLE II of the National Affordable Housing Act of 1990, Public Law Number 101-625.

2/1/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

2/8/05, REFERRED to Budget and Finance Committee. Supervisor Daly requested that this matter be referred to Committee. Supervisor Elsbernd requested to be added as a co-sponsor.

050180 **[Controller's review of Condominium Conversion application process]** — **Supervisors Dufty, Alioto-Pier, Elsbernd, Ma**

Resolution calling for the City Controller to make recommendations on possible improvements in condominium conversion pipeline to streamline processing of approved applications.

2/1/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

2/8/05, REFERRED to Land Use Committee. Supervisor Daly requested that this matter be referred to Committee.

050212 **[Accept-Expend Federal Grant]** — **Supervisor Elsbernd**

Resolution authorizing the Office of Emergency Services to accept and expend a Federal Grant in the amount of $400,000 from the United States Department of Homeland Security for the purpose of providing financial assistance to San Francisco's Metropolitan Medical Response System (MMRS).

2/8/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050214 **[Authorizing the Human Services to request an Able Bodied Adults without Dependents (ABAWD) Waiver from the State Department of Social Services]** — **Mayor, Supervisor Ammiano**

Resolution authorizing the Human Services Agency to request an ABAWD Waiver from the State Department of Social Services.

2/8/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

050216 [Jail Food Services] **Supervisor Sandoval**

Resolution authorizing the Sheriff's Department to enter into a contract for jail food services which will require anticipated expenditures by the City and County of more than ten million dollars over a four year period.

2/8/05, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

050217 [Proposition J Certification for Jail Food Services] **Supervisor Sandoval**

Resolution approving the Controller's certification that county jail food service management operations can practically be performed by a private contractor at a lower cost than if work were performed by City employees at budgeted levels.

2/8/05, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

050219 [Creation of Motorcycle Only Parking Zones] **Supervisor Mirkarimi**

Resolution designating motorcycle only parking zones at curb spaces fronting the properties of 1015 Irving Street, 1365 9th Avenue, 1367 9th Avenue, 1300 8th Avenue, 1299 8th Avenue, and 1271 9th Avenue on a twenty-four hour, seven day a week basis and requiring appropriate signage.

2/8/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 02/16/05 - Referred to Parking and Traffic for determination of environmental impact and review. 02/25/05 - Response received from Parking and Traffic, exempt from environmental review.

050225 [Apology from Margaret Spellings] **Supervisors Ammiano, Dufty, Mirkarimi**

Resolution urging the United States Secretary of Education, Margaret Spellings, to retract her condemnation of the Corporation for Public Broadcasting Stations (PBS) from airing an episode of "Postcards from Buster'" depicting a lesbian couple and further urging the Secretary of Education to publicly apologize to gay, lesbian, bisexual and transgender community and offer a public statement in support of tolerance, multiculturalism and free speech.

2/8/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050226 [Accept-Expend Gift] **Supervisors Daly,**

Elsbernd, Mirkarimi

Resolution authorizing the Department of Public Works to accept and expend a gift in the amount of $115,000 from the San Francisco Foundation, from an account on behalf of Richard N. Goldman as the Chair of the United Nations 50 celebration, for additional capital improvements to United Nations Plaza.

2/8/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050228 **[Commending the 23rd Annual San Francisco International Asian American Film Festival]** — **Supervisors Ma, Elsbernd, Mirkarimi**

Resolution commending the 23rd Annual San Francisco International Asian American Film Festival.

2/8/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050229 **[Commending Alice Fong Yu Alternative School]** — **Supervisors Ma, Elsbernd**

Resolution congratulating and commending the Alice Fong Yu Alternative School for ten years of excellence in Chinese Immersion Education.

2/8/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050230 **[Community Aggregation and Public Power on Treasure Island]** — **Supervisor Mirkarimi**

Resolution urging that the San Francisco Public Utilities Commission explore, based on the findings of the LAFCO reports, the implementation of Community Aggregation and Public Power on Treasure Island.

2/8/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050231 **[Investigate Paperless Facsimile Solutions for City Offices]** — **Supervisors Mirkarimi, Peskin, Daly**

Resolution urging the Department of the Environment in conjunction with the Department of Telecommunications and Information Services to investigate and recommend appropriate electronic paperless fax solutions for City offices.

2/8/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050232 **[Opposing HR-418, the Real ID Act]** — **Supervisors Mirkarimi, Sandoval, Daly**

Resolution urging the United States House of Representatives to oppose "The

Real ID Act," H.R. 418.

2/8/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050233 **[Appointment - Treasure Island Development Authority]** — **Supervisor Peskin**

Resolution appointing Supervisor Ross Mirkarimi, indefinite term, as an alternate to Supervisor Chris Daly on the Treasure Island Development Authority Board.

2/8/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050234 **[Urging the American Legion Post of San Francisco to determine the authenticity of a flag in the War Memorial that may be the flag unfurled by General Emilio Aguinaldo during the** — **Supervisors Sandoval, Ma**

Resolution Urging the American Legion Post of San Francisco to determine the authenticity of a flag in the War Memorial that may be the flag used by General Emilio Aguinaldo during the proclamation of Philippine independence on June 12, 1898.

2/8/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050235 **[Assembly Bill 178, California Cigarette Fire Safety Act]** — **Supervisors Sandoval, Mirkarimi, Daly**

Resolution urging the California State Legislature to approve AB 178: California Cigarette Fire Safety Act, which requires that all cigarettes sold in California be fire-safe starting in 2006.

2/8/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050236 **[Accept-Expend Federal Grant]** — **Mayor, Supervisors Dufty, Mirkarimi**

Resolution authorizing the Director of Transportation or his designee to file an application to apply for, accept, and expend $624,000 in Federal Surface Transportation funds through the Metropolitan Transportation Commission's Regional Bicycle and Pedestrian Program for striping and signing bike lanes, striping ladder cross-walks, and building ADA compliant curb-cuts; committing the necessary local match for the project; stating the assurance of the City and County of San Francisco to complete the project; and to execute any and all associated documents.

2/8/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

050210 **[Controller's Office audit of the Chinatown Economic Development Group]** **Supervisor Peskin**

Hearing to discuss the recently published Controller's Office audit of the Chinatown Economic Development Group.

2/8/05, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

050211 **[Hearings on Current Performance of City Government]** **Supervisor Peskin**

Hearing for Controller's Office, Office of the Budget Analyst, Office of the Legislative Analyst, Civil Grand Jury and the General Obligation Bond Oversight Committee to update the Government Audits and Oversight Committee on the current performance of City government.

2/8/05, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

050220 **[Saint Luke's Hospital]** **Supervisor Ammiano**

Hearing to inquire into the impact on quality of client care, proposed reduction and consolidation of services, adequacy of charity care and labor-management relations at Saint Luke's Hospital since its merger with Sutter Health care in 2000.

2/8/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

050221 **[Controller's Six-month Budget Status Report]** **Supervisor Ammiano**

Hearing on the Controller's six-month budget status report.

2/8/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050222 **[Computer Rental Businesses Ordinance and its Effects on Youth]** **Supervisor Ma**

Hearing to review and discuss the implementation of the Computer Rental Businesses Ordinance and its effects on youth.

2/8/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

050223 **[Planning Department]** **Supervisor Ma**

Hearing to review and discuss how the Planning Department provides applicants with efficient permit processing services, including, but not

limited to, the total number of active permit applications yet to be approved and the average amount of time needed to process a permit.

2/8/05, RECEIVED AND ASSIGNED to Land Use Committee.

050224 **[City and County's Strategy Towards Filling Vacant Commercial Spaces]** **Supervisor Sandoval**

Hearing on the City and County's strategy towards filling vacant commercial spaces, especially in the southeastern sections of San Francisco.

2/8/05, RECEIVED AND ASSIGNED to Land Use Committee.

040148 **[Waterfront Security Coordination]** **Supervisors Alioto-Pier, Daly, Peskin, Dufty**

Hearing on the coordination of waterfront security between federal, state, and local agencies in order to better protect San Franciscans to ensure the City and County is in the best possible position to qualify for federal funds.

2/3/04, RECEIVED AND ASSIGNED to City Services Committee.

1/27/05, FILED PURSUANT TO RULE 5.37.

2/8/05, REACTIVATED PURSUANT TO RULE 5.23. Supervisor Alioto-Pier requested this matter be reactivated.

2/8/05, ASSIGNED to City Operations and Neighborhood Services Committee.

Motion

050209 **[Board Off-site Meetings]** **Supervisor Ammiano**

Motion ordering the City and School District Select Committee meeting(s) of the Board of Supervisors be held at the Irving G. Breyer Board Meeting Room, Board of Education, 555 Franklin Street, First Floor, San Francisco, on March 14, May 9, July 11, September 12 and November 14, 2005 at 4:00 P.M.; and directing the Clerk of the Board to prepare the proper notices and postings.

2/8/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING. 2/10/05 - Referred to Youth Commission for review and comment.

PROPOSED ORDINANCES

050187 **[Changing Official Width of Sidewalk]** **Supervisor Peskin**

Ordinance Amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section No. 1565 to change the official sidewalk widths on the easterly side of Waverly Place; making findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk widths changes. (Public Works Department)

1/28/05, RECEIVED AND ASSIGNED to Land Use Committee.

050164 **[Settlement of Lawsuit - Evelyn Black v. CCSF, et al.]**

Ordinance authorizing settlement of the lawsuit filed by Evelyn Black against the City and County of San Francisco for $137,500; the lawsuit was filed on March 10, 2003 in San Francisco Superior Court, Case No. 418-143; entitled Evelyn Black v. City and County of San Francisco, et al. (City Attorney)

2/1/05, RECEIVED AND ASSIGNED to Rules Committee.

050189 **[Camp Mather - Fees Increase]**

Ordinance amending S.F. Park Code Section 12.01 to increase the Camp Mather cabin and tent site usage fees, amending Park Code Section 12.02 to increase the Camp Mather day use fees, and amending Park Code Section 12.03 to increase the Camp Mather meal fees and making environmental findings. (Recreation and Park Department)

1/31/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

PROPOSED RESOLUTIONS

050098 **[Grant of Metropolitan Transportation Commission Funds]**

Resolution authorizing the Municipal Transportation Agency to accept and expend $212,490 of funds from the Metropolitan Transportation Commission to perform site preparation work at San Francisco Municipal Railway facilities necessary for the installation of TransLinkr equipment. (Municipal Transportation Agency)

1/25/05, RECEIVED AND ASSIGNED to Land Use Committee.

050099 **[Cesar Chavez Bike Bridge and at-grade pedestrian/bike path on State Route 101 at Cesar Chavez Street]**

Resolution approving a maintenance agreement with the State of California, Department of Transportation (Caltrans) for the newly constructed Cesar

Chavez Bike Bridge and at-grade pedestrian/bike path on State Route 101 at Cesar Chavez Street and authorizing official acts in furtherance thereof. (Public Works Department)

1/25/05, RECEIVED AND ASSIGNED to Land Use Committee.

1/31/05, TRANSFERRED to City Operations and Neighborhood Services Committee. New committee structure effective 2/7/05.

050153 [Parking Regulations]

Resolution enacting and rescinding parking regulations at various locations.

RESIDENTIAL PERMIT PARKING AREA "Z" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Sanchez Street, both sides, between 27th and Duncan Streets (1400 block).

RESIDENTIAL PERMIT PARKING AREA "W" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
York Street, west side, between 19th and 20th Streets (700 block, even addresses only); and
25th Street, both sides, between Kansas and Rhode Island Streets (2300 block).

UNMETERED MOTORCYCLE PARKING - ESTABLISH
Dolores Street, east side, between the driveways of 401 and 405 Dolores Street (a 10-foot zone, accommodating two motorcycle parking spaces);
Francisco Street, south side, between the driveways of 1567-1569 and 1573-1575 Francisco Street (8-foot zone, accommodating 2 motorcycle parking spaces); and,
15th Street, north side, from Harrison Street to 7 feet easterly (2 spaces).

UNMETERED MOTORCYCLE PARKING - RESCIND
18th Street, north side, from the west property line of #3922 - 18th Street to 7 feet easterly (7-foot zone accommodating 2 motorcycle parking spaces).

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
Anza Street, south side, from Masonic Avenue to 500 feet westerly.

NO PARKING ANYTIME - ESTABLISH
Anza Street south side, at Collins Street, along the sidewalk extension.

TOW-AWAY, NO STOPPING - ESTABLISH
Evans Avenue, west side, from Napoleon Street to 100 feet northerly; and
Evans Avenue, east side, from Napoleon Street to 120 feet northerly.

TWO-HOUR PARKING TIME LIMIT, APRIL THROUGH OCTOBER, 7 AM TO 10 PM, MONDAY THROUGH FRIDAY, 9 AM TO 6 PM, SATURDAY AND SUNDAY AND TWO-HOUR PARKING TIME LIMIT, NOVEMBER THROUGH MARCH, 7 AM TO 6 PM, MONDAY THROUGH SATURDAY - RESCIND
Townsend Street, south side, from 2nd Street to 27 feet westerly (rescinds the ballpark hours for motorcycle parking).

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
15th Street, south side, between Harrison Street and Treat Avenue.
10-MINUTE PARKING TIME LIMIT, 9 AM TO 6 PM, EVERYDAY - RESCIND
15th Street, north side, from Harrison Street to 8 feet easterly.

20-MINUTE TIME LIMIT, 9 AM TO 6 PM, EVERYDAY - ESTABLISH
15th Street, north side, from Alabama Street to 50 feet easterly. (Parking and Traffic Department)

(1/24/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2940.)

1/25/05, RECEIVED AND ASSIGNED to Land Use Committee. 2/9/05 - Parking and Traffic notified for posting purposes. Ad place in the 2/12/05 edition of the SF Chronicle.

1/31/05, TRANSFERRED to City Operations and Neighborhood Services Committee. New committee structure effective 2/7/05.

050154 [STOP Intersections]

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Broderick and Ellis Streets, stopping Ellis Street at Broderick Street, making this intersection an all-way STOP;
22nd and Illinois Streets, stopping Illinois Street at 22nd Street, making this intersection an all-way STOP;
41st Avenue and Vicente Street, stopping Vicente Street, making this intersection an all-way STOP; and
Duboce Avenue and Scott Street, stopping Duboce Avenue at Scott Street, making this intersection an all-way STOP. (Parking and Traffic Department)

(1/24/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2940.)

1/25/05, RECEIVED AND ASSIGNED to Land Use Committee. 2/9/05 - Parking and Traffic notified for posting purposes. Ad place in the 2/12/05 edition of the SF Chronicle.

1/31/05, TRANSFERRED to City Operations and Neighborhood Services Committee. New committee structure effective 2/7/05.

050156 [Traffic Regulations]

Resolution enacting and rescinding traffic regulations on various streets.

NO TURN ON RED - ESTABLISH
14th Street, eastbound, at Folsom Street [so that an advanced stop line for bikes ("bike box") can be established].

MULTIPLE LEFT TURN LANES - RESCIND
LEFT LANE MUST TURN LEFT - ESTABLISH
Howard Street, westbound, approaching 11th Street. (Parking and Traffic Department)

(1/24/05: Categorically exempt from Environmental Review Class 1(c)(9)

changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2944.)

1/25/05, RECEIVED AND ASSIGNED to Land Use Committee. 2/9/05 - Parking and Traffic notified for posting purposes. Ad place in the 2/12/05 edition of the SF Chronicle.

1/31/05, TRANSFERRED to City Operations and Neighborhood Services Committee. New committee structure effective 2/7/05.

050188 [Accept and Expend Grant] **Supervisors Elsbernd, Ma**

Resolution retroactively authorizing the San Francisco Fire Department (SFFD) to accept and expend a new grant in the amount of $110,569 from the Corporation for National and Community Service (CNCS) to recruit, deliver Neighborhood Emergency Response Team (NERT) training and develop leadership in San Francisco residents age 55 and older, for the period of September 30, 2004 through September 29, 2005.

1/28/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Supervisor Elsbernd requested to be added as sponsor.

Requests Granted

From: Supervisor Sandoval

To: Director, Mayor's Office of Economic and Workforce Development

Requesting/Inquiring: To notify Director of the Mayor's Office of Economic and Workforce Development that committee hearing has been called regarding the City and County's strategy towards filing vacant commercial spaces, especially in the southeast sections of San Francisco, and that committee hearing will be scheduled in the near future.

From: Supervisor Sandoval

To: Director, Department of Human Services

To: Director, Housing Authority

Requesting/Inquiring: To report what efforts the Department of Human Services

is making to ensure that Latino seniors and Latinos with disabilities are being served by the following programs: Cash-Assistance Linked to Medi-Cal (CALM), In-Home Supportive Services, Home Delivered Meals Program, Multi-purpose Senior Services Program (MSSP), Resource Centers for Seniors and Adults with Disabilities, and District Wide Social Services Workers. Also requesting the department to respond to the attached report by Maria Luisa Osacar documenting the Status of Services for Hispanic/Latino Seniors Adults with Disabilities in San Francisco. The response should include the

number of bilingual staff in each program and historical data regarding the same.

Send copy to: Maria Luisa Osacar, 30th Street Senior Services, 225 30th Street, San Francisco, and CA 94131

From: Supervisor Sandoval

To: Director, Department of Public Works

To: Chief, Police Department

To: City Attorney

Requesting/Inquiring: Inquiring into their joint efforts to enforce existing blight ordinances and related laws at the site of the recently closed Cala Foods grocery store at 4175 Mission Street.

Send copy to: Terri Oneil, Director of Public Relations, Cala Foods/Bell Markets, 1100 West Artesia Blvd.,

In Memoriams

Harry Morgan (Supervisor Alioto-Pier)

Peter Castelloni (Supervisor Elsbernd)

Elton Miller (Supervisor Peskin)

PROPOSED MOTIONS

ADJOURNMENT

There being no further business, the Board at the hour of 4:54 p.m. adjourned.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on March 15, 2005.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County

of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.
Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.
Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.
Agenda are available on the internet at www.sfgov.org/bdsupvrs.bos.htm.
THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK.
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Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.
AVISO EN ESPAŸOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7701

Disability access

The Legislative Chamber of the Board of Supervisors is in Room 250 of City Hall, 1 Dr. Carlton B. Goodlett Place. The Chamber is wheelchair accessible.
The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.
There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.
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The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting. This advance notice will help ensure availability.
ú For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.
ú For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.
Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.

The Clerk of the Board's Office TTY number is (415) 554-5227.
In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102 by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org
Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine.htm

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

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Board of Supervisors

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MEETING MINUTES

Tuesday, February 15, 2005
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL

Members Present: *Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell,*

Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

Members Excused: *Michela Alioto-Pier.*

Members Absent: *None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll

Supervisors Alioto-Pier, Daly and Mirkarimi were noted absent.

Quorum present.

Supervisor Daly was noted present at 2:07 p.m.

Supervisor Mirkarimi was noted present at 2:09 p.m.

Supervisor Alioto-Pier-Alioto-Pier was previously excused from attending today's meeting. (See Infra)

Supervisor Alioto-Pier Excused from Attendance

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to excuse Supervisor Alioto-Pier from attending today's meeting.. The motion carried by the following vote:

Ayes: 8 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Daly, Mirkarimi
Excused: 1 - Alioto-Pier

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to approve January 8, 2005 and January 11, 2005 Meeting Minutes. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Mirkarimi
Excused: 1 - Alioto-Pier

COMMUNICATIONS

CONSENT AGENDA

Recommendation of the Rules Committee

041764 [Settlement of Lawsuit - American Motorists Insurance Company]

Ordinance authorizing settlement of the lawsuit filed by American Motorists Insurance Company against the City and County of San Francisco for $85,000; the lawsuit was filed on November 14, 2001 in San Francisco Superior Court, Case No. 401-290; entitled American Motorists Insurance Co., et al., v. City and County of San Francisco, et al. (City Attorney)

Enacted Number: 39-05

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Mirkarimi
Excused: 1 - Alioto-Pier

Supervisor Mirkarimi, seconded by Supervisor Daly, moved to rescind the previous vote.

The motion to rescind the previous vote carried without objection.

FINALLY PASSED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the City Services Committee

041488 [Regulating Computer Rental Businesses] Supervisor Ma

Ordinance adding Article 10.2 to the San Francisco Police Code, regulating businesses that rent computer time to patrons by prohibiting minors from using game controllers or renting computer time for purposes of gaming during certain times, requiring supervision, regulating waiting lists, posting hours of operation, and providing for a penalty.

Enacted Number: 40-05

FINALLY PASSED by the following vote:

Ayes: 7 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, Peskin, Sandoval
Noes: 2 - Daly, McGoldrick
Absent: 1 - Mirkarimi
Excused: 1 - Alioto-Pier

Supervisor Mirkarimi, seconded by Supervisor Daly, moved to rescind the previous vote.

The motion to rescind the previous vote carried without objection.

FINALLY PASSED by the following vote:

Ayes: 6 - Dufty, Elsbernd, Ma, Maxwell, Peskin, Sandoval
Noes: 4 - Ammiano, Daly, McGoldrick, Mirkarimi
Excused: 1 - Alioto-Pier

NEW BUSINESS

Supervisor Mirkarimi noted present at 2:09 p.m.

Recommendations of the Land Use Committee

050092 [Designating 351-9th Avenue, the Supervisors Ma, Peskin,

Richmond/Senator Milton Marks Branch Library, as a Landmark under Planning Code Article 10] — **Elsbernd, McGoldrick, Maxwell, Dufty, Mirkarimi, Ammiano, Sandoval**

Ordinance designating 351-9th Avenue, the Richmond/Senator Milton Marks Branch Library, as Landmark No. 247 pursuant to Article 10, Sections 1004 and 1004.4 of the Planning Code. (Planning Department)

Supervisors Peskin, Elsbernd, McGoldrick, Maxwell, Dufty, Mirkarimi, Ammiano, and Sandoval requested to be added as co-sponsors.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

050187 **[Changing Official Width of Sidewalk]** — **Supervisor Peskin**

Ordinance Amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section No. 1565 to change the official sidewalk widths on the easterly side of Waverly Place; making findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk widths changes. (Public Works Department)

Supervisor Peskin requested to be added as sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

050098 **[Grant of Metropolitan Transportation Commission Funds]**

Resolution authorizing the Municipal Transportation Agency to accept and expend $212,490 of funds from the Metropolitan Transportation Commission to perform site preparation work at San Francisco Municipal Railway facilities necessary for the installation of TransLinkr equipment. (Municipal Transportation Agency)

Enacted Number: 124-05

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Recommendations of the Rules Committee

050134 **[Requiring City offices to display signs, brochures, and forms for the San Francisco Working Families Credit Program]** — **Mayor, Supervisors Maxwell, Dufty, Mirkarimi**

Ordinance amending the San Francisco Administrative Code by adding Section 12S.2, to require City offices to display signs, brochures and forms for the San Francisco Working Families Credit Program.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

050116 **[Meeting Schedule]**

Resolution revising the regular meeting schedule of the Board of Supervisors by canceling the May 31, 2005, July 5, 2005, October 11, 2005, November 29, 2005, December 27, 2005 and January 17, 2006, Board meetings and by canceling all Board and Committee meetings from August 17 through September 5, 2005. (Clerk of the Board)

to amend on page 1, line 5 after "November 29, 2005" by adding "December 20, 2005"; on line 23 after "November 29, 2005" by adding "December 20, 2005"

New Title.

Supervisor McGoldrick, seconded by Supervisor Maxwell, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Resolution revising the regular meeting schedule of the Board of Supervisors by canceling the May 31, 2005, July 5, 2005, October 11, 2005, November 29, 2005, December 20, 2005, December 27, 2005 and January 17, 2006, Board meetings and by canceling all Board and Committee meetings from August 17 through September 5, 2005. (Clerk of the Board)

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

050050 **[Limiting Single Supervisor's Ability to Call Matters from Committee]** **Supervisor Peskin**

Motion amending the Rules of Order of the Board of Supervisors to amend Rule 5.31 Failure of a Committee to Act within 30 Days and Rule 2.14 Committee Action, thereby allowing four Supervisors to call a matter from Committee and allowing one Supervisor to call a matter from Committee that has not been heard in Committee within thirty days of assignment to Committee.

Enacted M05-23

Number:

APPROVED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

050131 **[Rules of Order of the Board - Board Member Report on activities at Regional Agencies]** **Supervisor Peskin**

Motion amending the Rules of Order 3.9 Roll Call for Introductions to provide a report on activities at regional agencies.

Enacted Number: M05-24

APPROVED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Recess

The Board recessed at the hour of 2:55 p.m.

Reconvening of the Board

The Board at the hour of 4:04 p.m. reconvened.

Calling the Roll

On call of the roll, the following Supervisors were noted present:

Supervisors Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin - 6

Quorum present.

Supervisor Ammiano was noted present at 4:05 p.m.

Supervisor Daly was noted present at 4:05 p.m.

Supervisor Sandoval was noted present 4:07 p.m.

Supervisor McGoldrick was noted present at 4:09 p.m.

SPECIAL ORDER 4:00 P.M.

050087 **[Public Hearing - Conditional Use Appeal for 606-624 Divisadero Street and 1278 Hayes**

Street,]

Hearing of persons interested in or objecting to the Planning Commission by its Motion No. No.16921 dated December 9, 2004, approving Conditional Use Application No. 2003.0807CEK, subject to certain conditions, allowing the development of a lot greater than 9,999 square feet and the creation of parking in amounts greater than accessory on a lot in an NC-2 (Small Scale Neighborhood Commercial) District and a 65-A Height and Bulk District, on property located at 606-624 Divisadero Street and 1278 Hayes Street, northeast corner of Divisadero and Hayes Streets; Lot 002J, Assessor's Block 1202. (Appellant: David Tornheim, representing the Central City Progressives.)

(Filed 1/10/05; companion measure to Files 050087, 050088, 050089, 050090, 050091; District 5.)

Continued to March 15, 2005

Supervisor Mirkarimi, seconded by Supervisor Daly, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the conditional use application decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

050088 **[Appeal, Conditional Use - 606-624 Divisadero Street and 1278 Hayes Street]**

Motion approving decision of the Planning Commission by its Motion No. 16921, approving Conditional Use Application 2003.0807CEK on property located at 606-624 Divisadero Street and 1278 Hayes Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Continued to March 15, 2005

Supervisor Mirkarimi, seconded by Supervisor Daly, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

050089 **[Appeal, Conditional Use - 606-624 Divisadero Street and 1278 Hayes Street]**

Motion disapproving decision of the Planning Commission by its Motion No. 16921, approving Conditional Use Application 2003.0807CEK on property located at 606-624 Divisadero Street and 1278 Hayes Street. (Clerk of the Board)

Continued to March 15, 2005

Supervisor Mirkarimi, seconded by Supervisor Daly, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

050090 **[Findings -606-624 Divisadero Street and 1278 Hayes Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional use Application No. 2003.0807CEK on property located at 606-624 Divisadero Street and 1278 Hayes Street, for action by the Board at its next meeting. (Clerk of the Board)

Continued to March 15, 2005

Supervisor Mirkarimi, seconded by Supervisor Daly, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

050091 **[Environmental Review - 606-624 Divisadero Street and 1278 Hayes Street]**

Motion certifying review of Final Negative Declaration relating to proposed Conditional Use of Property at 606-624 Divisadero Street and 1278 Hayes Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Continued to March 15, 2005

Supervisor Mirkarimi, seconded by Supervisor Daly, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

SPECIAL ORDER 4:00 P.M.

050031 **[Public Hearing - Appeal of Categorical Exemptions for 1187-1189 Stanyan Street]**

Hearing of persons interested in or objecting to the decisions of the Planning Department dated May 14, 2004, approving the following projects to be categorically exempt (Class 3a, allowing up to three-single-family residences in urbanized areas) from environmental review under CEQA:

1. Project described in Building Permit Application No. 2003.09.18.5180 (new single-family dwelling at 1187 Stanyan Street in Assessor's Block 2644, Lot 006); and
2. Project described in Building Permit Application No. 2003.09.18.5184 (new single-family dwelling at 1189 Stanyan Street in Assessor's Block 2644, Lot 007).

(Appellants: Deanna Jones, on behalf of Stanyan Street Neighbors and Molley Lowry on behalf of Woodland Avenue Association; Timothy Tosta representing Alvin Pelavin, Elaine Pelavin and Peter Pelavin.)

(Filed December 31, 2004; companion measure to Files 050032, 050033, 050034; District 5.)

Peter Pelavin, Appellant

The President declared the public hearing closed.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Hearing be TABLED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

050032 **[Affirming the categorical exemptions issued for 1187 and 1189 Stanyan Street]**

Motion affirming the determinations by the Planning Department that the two single-family home projects at 1187 Stanyan Street and 1189 Stanyan Street are categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

050033 **[Disapproving the categorical exemptions issued for 1187 and 1189 Stanyan Street]**

Motion disapproving the determinations by the Planning Department that

the projects at 1187 Stanyan Street and 1189 Stanyan Street are categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

050034 **[Preparation of findings related to the categorical exemptions issued for 1187 and 1189 Stanyan Street]**

Motion directing the Clerk of the Board to prepare findings related to the appeals of the determinations by the Planning Department that the projects at 1187 Stanyan Street and 1189 Stanyan Street are categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

James Chaffee; Library issues

Male Speaker; senior issues requesting an audit

Male Speaker; senior issues

Francisco di Costa; Laguna Honda issues

Peter Warfield; Library Citizens Advisory

Female speaker; labor issues

Ray; selection of Juvenile Chief Probation Officer

Female Speaker; torture resolution

Male Speaker; torture resolution

Female Speaker; torture resolution

David Pilpel; support of Item 27

Arnold Duffy; general issues

Abdullah Megaheed; homeless issues

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

050212 [Accept-Expend Federal Grant] **Supervisor Elsbernd**

Resolution authorizing the Office of Emergency Services to accept and expend a Federal Grant in the amount of $400,000 from the United States Department of Homeland Security for the purpose of providing financial assistance to San Francisco's Metropolitan Medical Response System (MMRS).

Enacted Number: 126-05

ADOPTED

050225 [Apology from Margaret Spellings] **Supervisors Ammiano, Dufty, Mirkarimi**

Resolution urging the United States Secretary of Education, Margaret Spellings, to retract her condemnation of the Corporation for Public Broadcasting Stations (PBS) from airing an episode of "Postcards from Buster'" depicting a lesbian couple and further urging the Secretary of Education to publicly apologize to gay, lesbian, bisexual and transgender community and offer a public statement in support of tolerance, multiculturalism and free speech.

Supervisor Mirkarimi requested to be added as a co-sponsor.

Enacted Number: 127-05

ADOPTED

050226 [Accept-Expend Gift] **Supervisors Daly, Elsbernd, Mirkarimi**

Resolution authorizing the Department of Public Works to accept and expend a gift in the amount of $115,000 from the San Francisco Foundation, from an account on behalf of Richard N. Goldman as the Chair of the United Nations 50 celebration, for additional capital improvements to United Nations Plaza.

Supervisors Elsbernd and Mirkarimi requested to be added as co-sponsors.

Enacted Number: 128-05

ADOPTED

050228 **[Commending the 23rd Annual San Francisco International Asian American Film Festival]** — **Supervisors Ma, Elsbernd, Mirkarimi**

Resolution commending the 23rd Annual San Francisco International Asian American Film Festival.

Supervisors Elsbernd and Mirkarimi requested to be added as co-sponsors.

Enacted Number: 129-05

ADOPTED

050229 **[Commending Alice Fong Yu Alternative School]** — **Supervisors Ma, Elsbernd**

Resolution congratulating and commending the Alice Fong Yu Alternative School for ten years of excellence in Chinese Immersion Education.

Enacted Number: 130-05

ADOPTED

050230 **[Community Aggregation and Public Power on Treasure Island]** — **Supervisor Mirkarimi**

Resolution urging that the San Francisco Public Utilities Commission explore, based on the findings of the LAFCO reports, the implementation of Community Aggregation and Public Power on Treasure Island.

Enacted Number: 131-05

ADOPTED

050231 **[Investigate Paperless Facsimile Solutions for City Offices]** — **Supervisors Mirkarimi, Peskin, Daly**

Resolution urging the Department of the Environment in conjunction with the Department of Telecommunications and Information Services to investigate and recommend appropriate electronic paperless fax solutions for City offices.

Supervisor Daly requested to be added as a co-sponsor.

Enacted Number: 132-05

ADOPTED

050232 [Opposing HR-418, the Real ID Act] Supervisors Mirkarimi, Sandoval, Daly

Resolution urging the United States House of Representatives to oppose "The Real ID Act," H.R. 418.

Supervisor Daly requested to be added as a co-sponsor.

Enacted Number: 133-05

ADOPTED

050233 [Appointment - Treasure Island Development Authority] Supervisor Peskin

Resolution appointing Supervisor Ross Mirkarimi, indefinite term, as an alternate to Supervisor Chris Daly on the Treasure Island Development Authority Board.

Enacted Number: 134-05

ADOPTED

050234 [Urging the American Legion Post of San Francisco to determine the authenticity of a flag in the War Memorial that may be the flag unfurled by General Emilio Aguinaldo during the Supervisors Sandoval, Ma

Resolution Urging the American Legion Post of San Francisco to determine the authenticity of a flag in the War Memorial that may be the flag used by General Emilio Aguinaldo during the proclamation of Philippine independence on June 12, 1898.

Enacted Number: 137-05

ADOPTED

050235 [Assembly Bill 178, California Cigarette Fire Safety Act] Supervisors Sandoval, Mirkarimi, Daly

Resolution urging the California State Legislature to approve AB 178: California Cigarette Fire Safety Act, which requires that all cigarettes sold in California be fire-safe starting in 2006.

Supervisors Mirkarimi and Daly requested to be added as co-sponsors.

Enacted Number: 135-05

ADOPTED

050236 [Accept-Expend Federal Grant] Mayor, Supervisors Dufty, Mirkarimi

Resolution authorizing the Director of Transportation or his designee to file an application to apply for, accept, and expend $624,000 in Federal Surface

Transportation funds through the Metropolitan Transportation Commission's Regional Bicycle and Pedestrian Program for striping and signing bike lanes, striping ladder cross-walks, and building ADA compliant curb-cuts; committing the necessary local match for the project; stating the assurance of the City and County of San Francisco to complete the project; and to execute any and all associated documents.

Supervisor Mirkarimi requested to be added as a co-sponsor.

Enacted Number: 136-05

ADOPTED

050209 **[Board Off-site Meetings]** **Supervisor Ammiano**

Motion ordering the City and School District Select Committee meeting(s) of the Board of Supervisors be held at the Irving G. Breyer Board Meeting Room, Board of Education, 555 Franklin Street, First Floor, San Francisco, on March 14, May 9, July 11, September 12 and November 14, 2005 at 4:00 P.M.; and directing the Clerk of the Board to prepare the proper notices and postings.

Enacted Number: M05-26

APPROVED

050170 **[Final Map for a 5 Unit Residential Condominium Project - 1562-1564-1566-1568-1570 Fell Street]**

Motion approving Final Map of 1562-1564-1566-1568-1570 Fell Street, A Residential Condominium Project, being a subdivision of Lot 15 in Assessor's Block No. 1207, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

Enacted Number: M05-25

APPROVED

050249 **[Final Map for a 13 Unit Residential Condominium Project - The Parkside 2418 20th Avenue]**

Motion approving Final Map of The Parkside 2418 20th Avenue, A Residential Condominium Project, being a subdivision of Lot 31A in Assessor's Block No. 2406, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

Enacted Number: M05-27

APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

041006 [Establishing cable television customer service requirements] — **Supervisor Peskin**

Ordinance amending Sections 11.1, 11.37, 11.38, 11.46, 11.51, and 11.62 of the Administrative Code to establish customer service requirements for cable television and open video system operators.

7/13/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 8/12/2004.

2/15/05, SUBSTITUTED. Supervisor Peskin submitted a substitute ordinance bearing new title.

2/15/05, RECEIVED AND ASSIGNED to Land Use Committee.

050182 [Zoning - Planning Code amendments in connection with the Transbay Redevelopment Plan] — **Mayor, Supervisor Daly**

Ordinance amending the Planning Code to add Sections 249.27, 263.18, 825, and 825.1 to establish special zoning controls in connection with the Transbay Redevelopment Plan; amending Planning Code Section 270 to reflect the new zoning changes to bulk controls set forth in Section 263.18; adopting environmental findings and findings that the amendments are consistent with the General Plan and eight priority policies of Planning Code Section 101.1.

2/1/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 3/3/2005.

2/15/05, SUBSTITUTED. The Mayor submitted a substitute ordinance bearing same title

2/15/05, ASSIGNED to Land Use Committee.

050183 **[Zoning Map amendments in connection with the Transbay Redevelopment Plan]** **Mayor, Supervisor Daly**

Ordinance amending the San Francisco Planning Code by amending Sectional Map 1, 1H, and 1SU of the Zoning Map of the City and County of San Francisco in connection with the Transbay Redevelopment Plan and an associated special use district with the Redevelopment Plan Project Area and adopting environmental findings and findings that the amendments are consistent with the General Plan and eight priority policies of Planning Code Section 101.1.

2/1/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 3/3/2005.

2/15/05, SUBSTITUTED. The Mayor submitted a substitute ordinance bearing same title.

2/15/05, ASSIGNED to Land Use Committee.

050253 **[Proposition 65 Ordinance - Safe Drinking Water and Toxic Enforcement Act of 1986]** **Supervisor Mirkarimi**

Ordinance amending the San Francisco Health Code by adding Section 456.6, to require the Department of Public Health to Enforce the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) and its implementing regulations and to require certain food establishments to provide Proposition 65 warnings in English, Spanish, and Chinese.

2/15/05, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 3/17/2005. 02/23/05 - Referred to the Small Business Commission.

050254 **[Amending Planning Code Sec 703.3 to designate formula retail uses as a conditional use in the Small-Scale NCD along Divisadero from Haight to Turk Streets]** **Supervisor Mirkarimi**

Ordinance to amend the Planning Code by amending section 703.3 to designate formula retail uses as a conditional use in the Small-Scale Neighborhood Commercial District along Divisadero Street from Haight to Turk Streets and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

2/15/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 3/17/2005.

Resolutions

050257 **[Supporting California Health Care Coalition of California Works]** **Supervisors Ammiano, Mirkarimi**

Resolution supporting the California Health Care Coalition of the California

Works Foundation and participating with other public and private purchasers determined to bring significantly greater performance accountability and transparency to the healthcare industry.

2/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050258 **[Amending the terms of all Board of Supervisors' appointees to the Treasure Island/Yerba Buena Island Citizens Advisory Board]** — **Supervisor Daly**

Resolution amending the terms of all Board of Supervisors' appointees to the Treasure Island/Yerba Buena Island Citizens Advisory Board (the "TICAB") to be consistent with the Bylaws of the TICAB.

2/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050259 **[Urging the United States Government to comply with international law regarding the use of torture]** — **Supervisors Daly, Mirkarimi, Peskin**

Resolution urging the United States Government to comply with international law regarding the use of torture.

2/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050260 **[Open Government: Reinstating CityWatch Telecasts]** — **Supervisors Daly, Ammiano, Mirkarimi**

Resolution to protect open government by re-instating cable programming for the Police and Planning Commissions on San Francisco Government Television, CityWatch.

2/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050261 **[Accept-Expend Grant from National Endowment for the Arts for Arts Commission]** — **Supervisors Dufty, Mirkarimi**

Resolution authorizing the San Francisco Arts Commission to accept and expend a grant in the amount of $50,000 from the National Endowment for the Arts for the advancement of arts education in the San Francisco Unified School District through the efforts and administration of the Arts Education Program.

2/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050262 **[Honoring and commending Community Housing Partnership]** — **Supervisors Dufty, Daly**

Resolution honoring and commending Community Housing Partnership for fifteen years of providing an alternative approach to the crisis of homelessness in San Francisco.

2/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050263 **[Commending International Women's Day]** **Supervisors Ma, Maxwell, Alioto-Pier, Peskin**

Resolution commending International Women's Day.

2/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050264 **[Arts Education Month]** **Supervisor Ma**

Resolution declaring March 2005 to be "Arts Education Month" in the City and County of San Francisco.

2/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050265 **[Bill Price Day]** **Supervisors Mirkarimi, Ma, Peskin**

Resolution declaring "Bill Price Day" in San Francisco on February 24th 2005 on the occasion of his 90th birthday.

2/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050266 **[Grant to respond to bioterrorism, infectious disease outbreaks, and other public health threats and emergencies in hospital settings in San Francisco]** **Supervisor Ma**

Resolution authorizing the San Francisco Department of Public Health (SFDPH, SFGH) to accept and expend retroactively a grant in the amount of $44,747 from the California Department of Health Services (CDHS) to prepare for and respond to bioterrorism and other public health emergencies and to enter into an agreement for the use of these funds; for the period of September 1, 2003, to August 31, 2004.

2/15/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

050267 **[Proclaiming March 2005 as Social Worker Month in San Francisco]** **Supervisors Maxwell, Ma, Dufty**

Resolution proclaiming March 2005 as Social Worker Month in San Francisco.

2/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE

AGENDA AT THE NEXT BOARD MEETING.

050268 **[Commending Dale Hess]** **Supervisors Maxwell, Peskin**

Resolution commending Dale Hess for his years of contribution to the City and County of San Francisco and proclaiming March 2, 2005 as Dale Hess Day in San Francisco.

2/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050269 **[Commending the San Francisco Independent Living Resource Center]** **Supervisors Maxwell, Mirkarimi**

Resolution commending the San Francisco Independent Living Resource Center and their partners of the "San Francisco Cross Agency Training on Health, Benefits, Work and Disability" for their efforts to provide workers and job seekers with disabilities accurate information and access to their rights at the workplace.

2/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050270 **[Opposing President Bush's Proposed Cuts in Community Development Funding]** **Supervisors Sandoval, Peskin**

Resolution opposing President Bush's proposed cuts in community development funding.

2/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050271 **[Urging State to adopt Ten Year Plan to End Chronic Homelessness]** **Mayor, Supervisors Daly, Mirkarimi**

Resolution urging the State of California to adopt a Ten Year Plan to End Chronic Homelessness by 2006.

2/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050272 **[Urging Congress to approve funding for housing and supportive services for the chronically homeless]** **Mayor, Supervisor Dufty**

Resolution urging Congress to approve $200 million for the Samaritan Initiative to implement housing and supportive services strategies to end chronic homelessness.

2/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

050255 [Press Passes] Supervisor Mirkarimi

Hearing on the past and present practices of the issuance of press passes by the San Francisco Chief of Police, and any changes to said policy that delineates journalists as "actual and bona fide," and changes to said policy that accounts for journalists who are and are not working on "breaking news," and changes or recommendations for regulating press pass issuance to the burgeoning and/or steady industry of electronic journalists, community (neighborhood newspaper) journalists, and freelancers, that comprise any combination of the aforementioned classifications.

2/15/05, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

050256 [Increase of young people at the Youth Guidance Center] Supervisor McGoldrick

Hearing on the increase of young people at the Youth Guidance Center (YGC). This hearing will bring together key stakeholders and decision makers to review the current crisis and possible action to decrease the population at YGC.

2/15/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 03/03/05 - Letter from the committee concerning the recommendations from representatives of the Public Defender's Office sent to Juvenile Probation, Public Health, Controller, and the Mental Health Commission.

Motion

050252 [Needle Exchange Emergency] Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty, Mirkarimi

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

2/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES

050245 [Settlement of Lawsuit - John Miller]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against John Miller for the receipt of $45,000; the lawsuit was filed on March 11, 2003 in San Francisco Superior Court, Case No. 418-214; entitled City and County of San Francisco, et al., v. John Miller, et al. (City Attorney)

2/7/05, RECEIVED AND ASSIGNED to Rules Committee.

050246 [Settlement of Lawsuit - Kemper Insurance Co.]

Ordinance authorizing settlement of the lawsuit filed by Kemper Insurance Co. by and through American Manufacturers Mutual Insurance Co. against the City and County of San Francisco for $46,344.48; the lawsuit was filed on December 23, 2004 in San Francisco Superior Court, Case No. 437-338; entitled Kemper Insurance Co, et al., v. City and County of San Francisco, et al. (City Attorney)

2/7/05, RECEIVED AND ASSIGNED to Rules Committee.

050247 [Settlement of Lawsuit - 18th and Arkansas Homeowners Association, et al., v. CCSF, et al.]

Ordinance authorizing settlement of the lawsuit filed by 18th and Arkansas Homeowners Association, 1220 Folsom Street Owners' Association, 2412 Harrison Street Owners' Association, India Cove Homeowners Association, 700 Illinois Street Owners' Association, 1415 Indiana Street Owners' Association, Penn Station Lofts Owners' Association, 226 Ritch Street Owners Association, 650 Second Street Owners' Association, San Francisco Flower Growers Association, 2030 Third Street Homeowners' Association, Tehama Lofts Condominium Owners' Association, 1011 23rd Street Owners' Association, and 239 8th Street Homeowners' Association against the City and County of San Francisco for $65,424.81; the lawsuit was filed on September 27, 2003 in the San Francisco Superior Court, Case No. 424-484; entitled 18th and Arkansas Homeowners Association, et al., v. City and County of San Francisco, et al.

2/7/05, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

050165 [Airport Concession Lease]

Resolution approving the Remote Terminal Food and Beverage Lease between Bassam & Nancy Shihadeh dba Deli Up Caf,, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

2/2/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050248 **[Settlement of Claim - Liberty Mutual Insurance Company]**

Resolution approving the settlement of the unlitigated Claim No. 04-02628 filed by Liberty Mutual Insurance Company as subrogee for Cresleigh Management on March 10, 2004 against the City and County of San Francisco for $33,466.09. (City Attorney)

2/7/05, RECEIVED AND ASSIGNED to Rules Committee.

Requests Granted

From: Supervisor Maxwell

To: City Attorney

Requesting/Inquiring: To draft legislation to initiate a Redevelopment Survey Area for the Planning Department's Visitacion Valley Plan Area, and to direct the Redevelopment Agency to include the necessary activities in its work program and budget for the 2005-2006 Fiscal Year.

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

To: General Manager, Municipal Transportation Agency

Requesting/Inquiring: to report on the feasibility of a traffic light at the intersection of Ellis and Divisadero Streets.

From: Supervisor Mirkarimi

To: City Attorney

Requesting/Inquiring: To draft legislation requiring the Department of Public Works to retain and integrate existing bike and pedestrian facilities when roads are constructed, reconstructed or relocated.

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

To: General Manager, Municipal Transportation Agency

Requesting/Inquiring: To report on the feasibility of creating traffic calming measures such as a yield, blind turn or stop sign, at the intersection of Divisadero and Waller Streets.

From: Supervisor Mirkarimi

To: City Attorney

Requesting/Inquiring: To draft legislation requiring that major street rehabilitation or resurfacing projects integrate transit, pedestrian, and the bicycle improvements as called for in official city plans. The legislation should ensure that in the event of capital work on any aspect of the streets, that all other aspects are brought into compliance with current standards for:

1) Street and sidewalk lighting

2) Pedestrian and bicycle safety

3) Access under the Americans with Disabilities act

4) Public transit facilities, including transit preferential streets and bus rapid transit corridors

5) Landscaping

6) other streetscape

In Memoriams

Stanley Warren (Entire Board)

Dennis Billingsley (Supervisor Ammiano)

Amber Celeste Amos (Supervisor Mirkarimi)

Arthur Miller (Supervisor Mirkarimi)

Loren Andre Morgan (Supervisor Mirkarimi)

ADJOURNMENT

There being no further business the Board adjourned at the hour of 4:11p.m.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on March 15, 2005.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County

of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.
Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.
Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.
Agenda are available on the internet at www.sfgov.org/bdsupvrs.bos.htm.
THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK.
Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.
Results of each Board meeting can be obtained about a half hour after the end of the meeting by telephoning (415) 554-5555.
Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.
AVISO EN ESPAŸOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯 *必須在會議前最少四十八小時提出要求*
請電 (415) 554-7701

Disability access

The Legislative Chamber of the Board of Supervisors is in Room 250 of City Hall, 1 Dr. Carlton B. Goodlett Place. The Chamber is wheelchair accessible.
The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.
There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.
All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.
The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting. This advance notice will help ensure availability.
ú For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.
ú For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.
Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.

The Clerk of the Board's Office TTY number is (415) 554-5227.
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MEETING MINUTES

Tuesday, February 22, 2005
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL

Members Present: *Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona*

Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

Members Excused: *None.*

Members Absent: *None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll

Supervisors Alioto-Pier and Ammiano were noted absent.

Quorum present.

Supervisor Ammiano was noted present at 2:07 p.m.

Supervisor Alioto-Pier was noted present at 2:10 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved to approve January 25, 2005 Meeting Minutes. The motion carried by the following vote:

Ayes: 9 - Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 2 - Alioto-Pier, Ammiano

AGENDA CHANGES

COMMUNICATIONS

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

050197 **[Contract funds to evaluate the impact of a resource center for drug users, Year 2]** **Supervisor Ammiano**

Resolution authorizing the San Francisco Department of Public Health, Community Behavioral Health Services (SFDPH, CBHS), to enter retroactively into Year 2 of an agreement with the University of California San Francisco (USCSF), the primary contractor, and expend funds in the amount of $11,836 to provide evaluation services; for the period of July 1, 2004 to June 30, 2005.

Enacted Number: 143-05

ADOPTED

Recommendation of the City Operations and Neighborhood Services Committee

050096 **[Accept-Expend Federal/State Pass Through Grant]**

Resolution authorizing the Department of Public Library to accept and expend an augmentation grant in the amount of $5,405 from the California State Library as part of the Federal Library Services and Technology Act (LSTA) for reimbursing tuition expenses of library employees pursuing a degree or certificate in library science at an institution of higher education. (Public Library)

Enacted Number: 141-05

ADOPTED

Recommendations of the Land Use Committee

050092 **[Designating 351-9th Avenue, theRichmond/Senator Milton Marks Branch Library, as a Landmark under Planning Code Article 10]** **Supervisors Ma, Peskin, Elsbernd, McGoldrick, Maxwell, Dufty, Mirkarimi, Ammiano, Sandoval**

Ordinance designating 351-9th Avenue, the Richmond/Senator Milton Marks Branch Library, as Landmark No. 247 pursuant to Article 10, Sections 1004 and 1004.4 of the Planning Code. (Planning Department)

Enacted Number: 41-05

FINALLY PASSED

050187 [Changing Official Width of Sidewalk] Supervisor Peskin

Ordinance Amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section No. 1565 to change the official sidewalk widths on the easterly side of Waverly Place; making findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk widths changes. (Public Works Department)

Enacted Number: 43-05

FINALLY PASSED

Recommendation of the Rules Committee

050134 [Requiring City offices to display signs, brochures, and forms for the San Francisco Working Families Credit Program] Mayor, Supervisors Maxwell, Dufty, Mirkarimi

Ordinance amending the San Francisco Administrative Code by adding Section 12S.2, to require City offices to display signs, brochures and forms for the San Francisco Working Families Credit Program.

Supervisor Mirkarimi requested to be added as a co-sponsor.

Enacted Number: 42-05

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

REGULAR AGENDA

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Supervisor Alioto-Pier was noted absent at 3:09 p.m.

050045 **[Sale of City Property]**

Ordinance ordering the sale at public auction of City-owned property located at 1648 Pacific Avenue and 2350 19th Avenue; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the sale is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing other actions in furtherance of this ordinance. (Real Estate Department)

(Supervisor Daly dissenting in Committee.)

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 9 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Absent: 1 - Alioto-Pier

041732 **[Settlement of Grievance - United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38]**

Resolution approving the settlement of the grievance (ERD No. 40-03-1142) filed by United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38 ("Union") on behalf of Grievants, as identified in Exhibit A attached hereto, against the City and County of San Francisco for $109,270.76.Other material term of said settlement is that Grievants and Union shall release all claims relating to the aforementioned grievance (ERD No. 40-03-1142). (City Attorney)

Enacted Number: 138-05

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

050081 [Public Auction]

Resolution authorizing Tax Collector to sell at public auction certain parcels of tax-defaulted real property. (Treasurer-Tax Collector)

Enacted Number: 139-05

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

050082 [Exchange of real property within the Japan Center Garage (Lot 34, 35, Assessor's Block 700)]

Resolution authorizing the exchange of certain City-owned real property generally known as a portion of Lot 35, Assessor's Block 700 for certain property owned by Dae Woong Kim, et al generally known as a portion of Lot 34, Assessor's Block 700; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the exchange is consistent with the City's general plan and eight priority policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents and take certain actions in furtherance of this resolution. (Real Estate Department)

Enacted Number: 140-05

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

050097 [Extending Provisional Appointments]

Resolution approving, retroactively, extension to June 30, 2005 of provisional appointments of employees in classifications H-30 Captain (Fire Department), 0922 Manager I, 0923 Manager II, 0931 Manager III, 0932 Manager IV, 0933 Manager V, 0941 Manager VI,0943 Manager VIII, 1952 Purchaser, 5212 Principal Engineer, 7328 Operating Engineer, Universal, and 8216 Senior Parking Control Officer. (Human Resources Department)

Enacted Number: 142-05

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the City Operations and Neighborhood Services Committee

041611 [Authorization for a Local Disease Prevention **Supervisors Dufty,**

Demonstration Project] **Ammiano, Mirkarimi**

Ordinance amending the Health Code to add Section 31 authorizing the Department of Public Health to create and operate a Disease Prevention Demonstration Project to register pharmacies to sell or furnish hypodermic needles without a prescription as allowed under State law, such registration to consist of the department maintaining a list of participating pharmacies, providing such pharmacies with written information for customers on how to access drug treatment, HIV and Hepatitis C testing and treatment, and safe disposal of sharps waste.

Supervisor Mirkarimi requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Mirkarimi, seconded by Supervisor Sandoval, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Mirkarimi introduced, welcomed and presented a Certificate of Honor to Mary Rogers and LeRoy King in recognition of Black History Month.

Supervisors Maxwell and Dufty offered their congratulations to Mary Rogers and LeRoy King.

Supervisor Sandoval introduced, welcomed and presented a Certificate of Honor to Cynthia Saavedra for her community involvement with Charter schools.

SPECIAL ORDER 4:00 P.M.

050037 [Public Hearing - Appeal of Categorical Exemption for 837-847 Montgomery Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated December 13, 2004, Case No. 2004.0924E, approving the proposed conversion of an existing office use in two adjoining three-story-over-basement masonry buildings to 13-residential units with basement parking for up to 9 cars; construction of two-additional floors and a stair penthouse, and removal of alterations made to the ground-floor fa‡ade and replacement with a new storefront design.The project site is a 6,800 sq. ft. parcel located at 837-847 Montgomery Street, Assessor's Block 176, Lots 3 and 3A, within the C-2 (Community Business) zoning district and a 65A height and bulk district.

The existing buildings are within the Jackson Square Historic District. (Appellant: San Francisco Architectural Heritage represented by their Attorney, Susan Brandt-Hawley, Brandt-Hawley Law Group.)

(Filed January 5, 2005; companion measure to Files 050038, 050039, 050040; District 3.)

Supervisor Elsbernd, seconded by Supervisor McGoldrick, moved that this Hearing be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

050038 [Affirming the categorical exemption issued for 837-847 Montgomery Street]

Motion affirming the determination by the Planning Department that the 837-847 Montgomery Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor McGoldrick, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell,

McGoldrick, Mirkarimi, Peskin, Sandoval

050039 **[Disapproving the categorical exemption issued for 837-847 Montgomery Street]**

Motion disapproving the determination by the Planning Department that the 837-847 Montgomery Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor McGoldrick, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

050040 **[Preparation of findings related to the categorical exemption issued for 837-847 Montgomery Street]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 837-847 Montgomery Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor McGoldrick, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

Supervisor Peskin provided the Board an update of the Bay Conservation & Development Commission on which he represents the Board of Supervisors.

Supervisor Mirkarimi provided the Board updates of the Local Agency Formation (LAFCo) and on the Disaster Council on which he represents the Board of Supervisors.

Supervisor Ma also provided additional information relating to the Disaster Council.

Supervisor Ammiano provided the Board updates on the Golden Gate Bridge, Highway & Transportation District on which he represents the Board of Supervisors.

Supervisor Sandoval provided additional information relating to the Golden Gate Bridge, Highway & Transportation District.He also provided an update on the San Francisco Retirement System on which he represents the Board of Supervisors.

Supervisor McGoldrick provided the Board updates on the Bay Area Air Quality Management District and California State Association of Counties on which he represents the Board of Supervisors.

Supervisor Alioto-Pier provided additional information relating to the Disaster Council on which she represents the Board of Supervisors.

Supervisor Dufty provided the Board updates on the Golden Gate Bridge, Highway & Transportation District on which he represents the Board of Supervisors.

Supervisor Alioto-Pier was noted present at 3:14 p.m.

PUBLIC COMMENT

Abduallah Megaheed; homeless issues

Francisco di Costa; SF Environment issues and property transfers

M. Jacobs, Survivors International; support of Item 20 to comply with international law regarding the use of torture

Male speaker; support of Item 20 to comply with international law regarding the use of torture

Espanola Jackson; Hunter's Point toxic issues

Bruce Ellison; Muni fares and housing issues

James Chaffee; Library issues

Sherry Zhamg, Falun Gong; Chinese Parade issues

Female speaker; support of Item 20 to comply with international law regarding the use of torture

Father Vitale; support of Item 20 to comply with international law regarding the use of torture

Erin Callaghan, Amnesty International; support of Item 20 to comply with international law regarding the use of torture

Dane R. Johnsten; general issues

Katherine Howard; support of land marking Golden Gate Park Music Concourse

Female speaker; general issues and school issues

FOR ADOPTION WITHOUT COMMITTEE

REFERENCE

These measures are introduced for adoption without committee reference.A unanimous vote is required for adoption of a resolution today.Any Supervisor may require any resolution to go to committee.

050257 **[Supporting California Health Care Coalition of California Works]** **Supervisors Ammiano, Mirkarimi**

Resolution supporting the California Health Care Coalition of the California Works Foundation and participating with other public and private purchasers determined to bring significantly greater performance accountability and transparency to the healthcare industry.

Supervisor Mirkarimi requested to be added as a co-sponsor.

Enacted Number: 144-05

ADOPTED

050258 **[Amending the terms of all Board of Supervisors' appointees to the Treasure Island/Yerba Buena Island Citizens Advisory Board]** **Supervisor Daly**

Resolution amending the terms of all Board of Supervisors' appointees to the Treasure Island/Yerba Buena Island Citizens Advisory Board (the "TICAB") to be consistent with the Bylaws of the TICAB.

Enacted Number: 145-05

ADOPTED

050259 **[Urging the United States Government to comply with international law regarding the use of torture]** **Supervisors Daly, Mirkarimi, Peskin**

Resolution urging the United States Government to comply with international law regarding the use of torture.

Supervisor Peskin requested to be added as a co-sponsor.

Enacted Number: 146-05

ADOPTED

050261 **[Accept-Expend Grant from National Endowment for the Arts for Arts Commission]** **Supervisors Dufty, Mirkarimi**

Resolution authorizing the San Francisco Arts Commission to accept and expend a grant in the amount of $50,000 from the National Endowment for the Arts for the advancement of arts education in the San Francisco Unified School District through the efforts and administration of the Arts Education Program.

Supervisor Mirkarimi requested to be added as a co-sponsor.

Enacted Number: 148-05

ADOPTED

050262 [Honoring and commending Community Housing Partnership] Supervisors Dufty, Daly

Resolution honoring and commending Community Housing Partnership for fifteen years of providing an alternative approach to the crisis of homelessness in San Francisco.

Enacted Number: 149-05

ADOPTED

050263 [Commending International Women's Day] Supervisors Ma, Maxwell, Alioto-Pier, Peskin

Resolution commending International Women's Day.

Supervisor Peskin requested to be added as a co-sponsor.

Enacted Number: 158-05

ADOPTED

050264 [Arts Education Month] Supervisor Ma

Resolution declaring March 2005 to be "Arts Education Month" in the City and County of San Francisco.

Enacted Number: 150-05

ADOPTED

050265 [Bill Price Day] Supervisors Mirkarimi, Ma, Peskin

Resolution declaring "Bill Price Day" in San Francisco on February 24th 2005 on the occasion of his 90th birthday.

Supervisor Peskin requested to be added as a co-sponsor.

Enacted Number: 151-05

ADOPTED

050267 [Proclaiming March 2005 as Social Worker Month in San Francisco] Supervisors Maxwell, Ma, Dufty

Resolution proclaiming March 2005 as Social Worker Month in San Francisco.

Enacted Number: 152-05
ADOPTED

050268 [Commending Dale Hess] Supervisors Maxwell, Peskin

Resolution commending Dale Hess for his years of contribution to the City and County of San Francisco and proclaiming March 2, 2005 as Dale Hess Day in San Francisco.

Enacted Number: 153-05
ADOPTED

050269 [Commending the San Francisco Independent Living Resource Center] Supervisors Maxwell, Mirkarimi

Resolution commending the San Francisco Independent Living Resource Center and their partners of the "San Francisco Cross Agency Training on Health, Benefits, Work and Disability" for their efforts to provide workers and job seekers with disabilities accurate information and access to their rights at the workplace.

Supervisor Mirkarimi requested to be added as a co-sponsor.

Enacted Number: 154-05
ADOPTED

050270 [Opposing President Bush's Proposed Cuts in Community Development Funding] Supervisors Sandoval, Peskin

Resolution opposing President Bush's proposed cuts in community development funding.

Supervisor Peskin requested to be added as a co-sponsor.

Enacted Number: 155-05
ADOPTED

050271 [Urging State to adopt Ten Year Plan to End Chronic Homelessness] Mayor, Supervisors Daly, Mirkarimi

Resolution urging the State of California to adopt a Ten Year Plan to End Chronic Homelessness by 2006.

Supervisor Mirkarimi requested to be added as a co-sponsor.

Enacted Number: 156-05
ADOPTED

050272 **[Urging Congress to approve funding for housing and supportive services for the chronically homeless]** **Mayor, Supervisor Dufty**

Resolution urging Congress to approve $200 million for the Samaritan Initiative to implement housing and supportive services strategies to end chronic homelessness.

Enacted Number: 157-05

ADOPTED

050252 **[Needle Exchange Emergency]** **Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty, Mirkarimi**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Supervisor Mirkarimi requested to be added as a co-sponsor.

Enacted Number: m05-28

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed From Without Reference to Committee Agenda

Supervisor Dufty requested that this matter be severed so that it might be considered separately.

050260 **[Open Government: Reinstating CityWatch Telecasts]** **Supervisors Daly, Ammiano, Mirkarimi**

Resolution to protect open government by re-instating cable programming for the Police and Planning Commissions on San Francisco Government Television, CityWatch.

Supervisor Mirkarimi requested to be added as a co-sponsor.

Enacted Number: 147-05

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

050297 **[Zoning Map Amendment and Repeal of Planning Code Section 263.1]** **Supervisor Peskin**

Ordinance amending the San Francisco Planning Code by repealing Section 263.1, which allows the Planning Commission to approve height up to 200 feet in the 65D-2 Height and Bulk District, and by amending the Zoning Map of the City and County of San Francisco, Sheet 1H, to change the height and bulk designation of Assessor's Block 0195, Lots 4, 5, 11, 12, 14, 15 and 16 from 65D-2 to 40-X and to change the height and bulk designation of the remaining assessor's blocks and lots within the 65D-2 Height and Bulk District from 65D-2 to 65-A; adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1.

2/22/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 3/24/2005.

050298 **[Repealing Ordinance Number 72-04 Conditionally Designating 690 Market as a Landmark]** **Supervisor Peskin**

Ordinance Repealing Ordinance Number 72-04 Conditionally Designating 690 Market, the Chronicle Building, As Landmark No. 243 under Article 10 of the Planning Code.

2/22/05, RECEIVED AND ASSIGNED to Rules Committee.

050299 **[Zoning Map Amendment]** **Supervisor Peskin**

Ordinance amending the San Francisco Planning Code by amending the Zoning Map of the City and County of San Francisco, Sheet 1H, to change the height and bulk designation of Assessor's Block 0139 from 84-E to 40-X and to change the height and bulk designation of Assessor's Blocks 0140 and 0141 from 84-E to 65-X; adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1.

2/22/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 3/24/2005.

050300 **[Neighborhood Sanitation and Housing Habitability Ordinance]** **Supervisor Mirkarimi**

Ordinance amending Article 11 of the San Francisco Health Code to change the title from "Nuisance" to "Neighborhood Sanitation and Housing Habitability," amending the definition of nuisance in Section 581 of the San Francisco Health Code to include asbestos hazards and violations of Section 583, adding Section 583 to the San Francisco Health Code to prevent vermin and insect disease vector harborage and infestation in residential units and to improve the health, safety and general welfare of occupants, adding potential attorneys' fees recovery for those cases in which the City elects to recover attorneys' fees to Sections 596 and 609, adding lien recovery for attorneys' fees for Section 599 and 609, adding civil penalties to Section 600, authorizing recovery of all costs and fees, including attorneys' fees, incurred in enforcement under Section 609, extending the notice and hearing provisions for lien collections under Sections 609.1 and 609.2 to include the additional costs and fees that may be recovered under the amended Section 609, and increasing reinspection fees to $75 per half-hour under Section 609.

2/22/05, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee. 02/25/05 - Referred to Small Business Commission and the the Department of Public Health. 03/02/05 - Referred to Planning Department for determintion as to whether the proposed fee increase will impact the environment.

041071 **[Amending Planning Code Section 703.3 to prohibit formula retail uses in the North Beach Neighborhood Commercial District]** **Supervisor Peskin**

Ordinance to amend the Planning Code by amending section 703.3 to prohibit formula retail uses in the North Beach Neighborhood Commercial District and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

7/27/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 8/26/2004.

7/30/04, REFERRED TO DEPARTMENT. Referred to Planning Commission for review and comment. Referred to the Planning Dept. Environmental Review Section.

1/27/05, FILED. Filed pursuant to Rule 5.37.

2/22/05, REACTIVATED PURSUANT TO RULE 5.23. Supervisor Peskin requested this matter be reactivated.

2/22/05, ASSIGNED to Land Use Committee.

Resolutions

050301 [Elimination of San Francisco LAFCO] Supervisor Elsbernd

Resolution urging the California Legislature to eliminate the San Francisco Local Agency Formation Commission ("SFLAFCO").

2/22/05, RECEIVED AND ASSIGNED to Rules Committee.

050240 [Endorsing Community Choice Aggregation Bill of Rights] Supervisors Ammiano, Mirkarimi

Resolution endorsing Local Power's Community Choice Aggregation Bill of Rights, to clarify and expand the authorities of Cities and Counties such as San Francisco with respect to large scale solar energy, efficiency and other conservation technologies and further urging California Senator Migden and California Assembly member Mark Leno to jointly file aforementioned Community Choice Aggregation Bill of Rights by the legislative deadline.

2/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050241 [Congratulating The 15 Association on its twenty-fifth anniversary] Supervisors Dufty, Ammiano

Resolution congratulating The 15 Association on its twenty-fifth anniversary.

2/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050242 [Substance Abuse and Mental Health Services Administration (SAMHSA)] Supervisors Dufty, Ammiano, Mirkarimi

Resolution repudiating the Substance Abuse and Mental Health Services Administration (SAMHSA), a division of the Department of Health and Human Services, for deleting the words "gay," "lesbian," "bisexual" and transgender" from the title of an upcoming suicide prevention workshop.

2/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050243 [School Breakfast Week] Supervisor Ma

Resolution declaring March 7 - 11, 2005 as "School Breakfast Week" in the City and County of San Francisco.

2/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050278 [National Black Family Technology Awareness Week] Supervisor Maxwell

Resolution recognizing February 13-19, 2005 as National Black Family Technology Awareness Week and commending IBM, the Career Communications Group and its local partners at the San Francisco Unified

School District in hosting a Family Technology Night to highlight this issue.

2/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050279 **[Landmarking of the Grid of Pollared in the Music Concourse Bowl, Golden Gate Park]** — **Supervisor Mirkarimi**

Resolution urging the Planning Commission, the Planning Department and the Landmarks Preservation Advisory Board to landmark the Music Concourse and to include in the landmarking ordinance language protecting the historic grid of pollarded trees, and urging the Recreation and Park Commission, the Department of Recreation and Park, the Golden Gate Park Concourse Authority and Music Concourse Community Partnership to protect the integrity of existing trees during construction.

2/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050280 **[Punch Gallery Day]** — **Supervisor Mirkarimi**

Resolution proclaiming February 25, 2005 as Punch Gallery Day.

2/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050281 **[Commending the Korean-American Community Center]** — **Supervisors Mirkarimi, Ma**

Resolution commending Korean-American Community Center for its efforts in relief of tsunami victims.

2/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050282 **[Dr. Anita Friedman Day]** — **Supervisors Peskin, Ma**

Resolution declaring March 19, 2005 Dr. Anita Friedman Day.

2/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050283 **[City Policy Regarding Contract Approval]** — **Supervisors Peskin, Elsbernd**

Resolution making it the policy of the City and County that the Board of Supervisors not approve the exercise of options to renew contracts and leases under Charter Section 9.118 where the initial term together with the extension would exceed ten years, if the original agreement was not brought to the Board for its information and review before the agreement was executed.

2/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050284 [Assembly Bill 232] Supervisors Sandoval, Ma

Resolution urging the California State Legislature to pass AB 232 which will increase state funding to community college nursing programs.

2/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050285 [Assembly Bill 41] Supervisors Sandoval, Ma

Resolution urging the California State Legislature to approve AB 41: Human Trafficking Act, which establishes the crime of trafficking of a person for forced labor or services and the crime of trafficking of a minor for sexual servitude, providing various sentencing enhancements for these offenses. The bill would also impose state-mandated programs and require restitution to trafficking victims.

2/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050286 [Urging Congress to retain funding for housing programs in the 2006 Department of Housing and Urban Development budget] Mayor, Supervisor Peskin

Resolution expressing grave concern about President George W. Bush's proposed budget for the Department of Housing and Urban Development for fiscal year 2006 and urging Congress to retain funding for programs related to the development and preservation of affordable housing.

2/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

050302 [Hearing - Proposed motion amending the Rules of the Board of Supervisors by amending Rule 5.1]

Hearing to discuss the proposed motion amending the Rules of the Board of Supervisors by amending Rule 5.1 to create a subcommittee of the Budget and Finance Committee. (Clerk of the Board)

2/22/05, ASSIGNED to Board of Supervisors. Pursuant to File 050303, Board to sit as a Committee of the Whole on March 1, 2005, at 3:00 p.m.

050304 [SFUSDC's "Dream Schools" Initiative] Supervisor Alioto-Pier

Hearing on the progress of the San Francisco Unified School District's "Dream Schools" initiative.

2/22/05, RECEIVED AND ASSIGNED to City and School District Select Committee. 02/28/05 - Referred to Youth Commission for comment.

050305 **[Mayor's Budget Instructions]** **Supervisor Ammiano**

Hearing on the Mayor's Budget Instructions to the Departments.

2/22/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050306 **[City's Three-year Budget Projection]** **Supervisor Ammiano**

Hearing regarding the City's three-year budget projection and respectfully requests the Controller and the Mayor's Budget Director to brief the Budget Committee on this projection.

2/22/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050307 **[Budget Updates]** **Supervisor Ammiano**

Hearing to consider budget updates from the Mayor, Controller, Budget Analyst, Office of Legislative Analysts and City Departments.

2/22/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050308 **[State of California and Federal Budget Cuts Impact on CCSF's Budget]** **Supervisor Ammiano**

Hearing on the Mayor's Budget Director's report on current information on the State of California and Federal budget cuts and their impact on the San Francisco City and County's budget.

2/22/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050309 **[Discrimination against practitioners of Falun Gong]** **Supervisor Daly**

Hearing on discrimination against practitioners of Falun Gong by the Chinese Chamber of Commerce in San Francisco.

2/22/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

050310 **[311 Customer Service Call Center]** **Supervisor Dufty**

Hearing to review the City's efforts to improve customer service and establish a 311 Customer Service Call Center, a single-toll-free number for citizens, businesses and visitors wishing to contact the City.This hearing will also review the City's progress toward implementing a Customer Relationship Management Initiative to connect department services to

customers using technology and improved processes.

2/22/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 02/28/05 - Referred to Small Business Commission for comment.

050311 [Impacts in San Francisco of the drug-resistant HIV strain found in New York] **Supervisors Dufty, Ammiano**

Hearing to examine the impacts in San Francisco of the drug-resistant HIV strain found in New York, and to determine what steps the Board of Supervisors, the Department of Public Health, and local AIDS organizations can take to increase awareness of prevention efforts.This hearing will also focus on the link between crystal methamphetamine usage and HIv prevention efforts.

2/22/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

050312 [Community Needs Assessment Developed by DCYF] **Supervisor Ma**

Hearing to review the draft Community Needs Assessment developed by the Department of Children, Youth and their Families (DCYF).This document, which is required by the Charter to be published by DCYF every three years, sets a framework for children's services in San Francisco for the coming three-year period. The hearing will review preliminary findings and recommendations contained in the current draft of the report and allow Supervisors to comment.

2/22/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. Sponsor requests this item be scheduled for consideration at the March 7, 2005 meeting. 02/25/05 - Referred to Youth Commission for comment.

050313 [Hetch Hetchy Water System] **Supervisor McGoldrick**

Hearing to review the San Francisco Public Utilities Commission's revised plan to fix the Hetch Hetchy water system, to look into the costs associated with the revised plan, and to determine how such revisions impact San Francisco water customers.

2/22/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

050314 [Cannabis Club Regulation] **Supervisor Mirkarimi**

Hearing to discuss City issues and policies related to the distribution of medical cannabis as it relates to Proposition S, including the consideration of establishing licensing fees, the implementation of zoning requirements, regulating safe access guidelines, and the creation of consumer protection principles by the Department of Consumer Assurance.

2/22/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

050315 [Implementation of Senate Bill 1818] Supervisor Mirkarimi

Hearing with the Planning Department and Mayor's Office of Housing on how the City intends to comply with the requirements of Senate Bill 1818, and what the Housing Element of the General Plan says about meeting the requirements of state law regarding density bonuses for affordable housing.

2/22/05, RECEIVED AND ASSIGNED to Land Use Committee.

Motions

050303 [Creating a Subcommittee of the Budget and Finance Committee]

Motion amending the Rules of the Board of Supervisors by amending Rule 5.1 to create a subcommittee of the Budget and Finance Committee.

2/22/05, RECEIVED AND ASSIGNED to Board of Supervisors. Board to sit as a Committee of the Whole on March 1, 2005, at 3:00 p.m.

050316 [Appointment - Board of Appeals] Mayor

Motion approving the Mayor's appointment of Michael Garcia to the Board of Appeals for the term ending July 1, 2006.

(Section 4.106 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 050317.) Transmittal date -February 18, 2005.

2/22/05, RECEIVED AND ASSIGNED to Rules Committee. 3/3/05 - Notified Board of Appeals and mailed notice to applicant.

050317 [Appointment - Board of Appeals] Mayor

Motion rejecting the Mayor's appointment of Michael Garcia to the Board of Appeals.

2/22/05, RECEIVED AND ASSIGNED to Rules Committee.

050318 [Appointment, Public Utilities Commission -Ann Moller Caen] Mayor

Motion approving the Mayor's appointment of Ann Moller Caen to the Public Utilities Commission, for the term ending January 15, 2009.

Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date - February 18, 2005.

2/22/05, RECEIVED AND ASSIGNED to Rules Committee. The Clerk of the Board requests this item be scheduled for consideration at the March 9, 2005 meeting. 3/3/05 - Notified SFPUC and mailed notice to applicant.

050319 **[Appointment, Public Utilities Commission -Ann Moller Caen]** **Mayor**

Motion rejecting the Mayor's appointment of Ann Moller Caen to the Public Utilities Commission.

Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date - February 18, 2005.

2/22/05, RECEIVED AND ASSIGNED to Rules Committee. The Clerk of the Board requests this item be scheduled for consideration at the March 9, 2005 meeting.

050320 **[Appointment, Public Utilities Commission -Ann Moller Caen]** **Mayor**

Motion taking no position concerning the Mayor's appointment of Ann Moller Caen to the Public Utilities Commission, for term ending January 15, 2009.

Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date - February 18, 2005.

2/22/05, RECEIVED AND ASSIGNED to Rules Committee. The Clerk of the Board requests this item be scheduled for consideration at the March 9, 2005 meeting.

050321 **[Board waiver of committee reference requirement and convening as a Committee of the Whole for purposes of considering an amendment to Board Rule 5.1, which would create a subcommittee of** **Supervisors Ammiano, Daly, Elsbernd, Ma**

Motion suspending Rule 4.38 of the Rules of Order of the San Francisco Board of Supervisors to consider, without reference to committee, an amendment to Board Rule 5.1 which would create a subcommittee of the

Budget and Finance Committee of the San Francisco Board of Supervisors; motion that the Board sit as a Committee of the Whole on March 1, 2005, for the purpose of considering the proposed amendment to Rule 5.1.

2/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050239 **[Canceling March 8, 2005, Board of Supervisors meeting]** **Supervisor Peskin**

Motion canceling March 8, 2005, meeting of the Board of Supervisors.

2/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

050237 **[Accept-Expend Grant]**

Resolution authorizing the Public Library to retroactively accept and expend a grant in the amount of $23,400 from the Friends of the San Francisco Public Library for a part-time, as needed, editor for the publication, At the Public Library. (Public Library)

2/11/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Requests Granted

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

Requesting/Inquiring: To report on the status of repairing the traffic light on the corner of Divisadero Street and Golden Gate Avenue on the Northeast corner.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: To report on the status of clearing the gutter of

debris and asphalt at 1800 Laguna Street.

Please send copy to: William Snider, 1802 Laguna Street, San Francisco, CA94115

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: To report on the status of replacing three empty sidewalk squares in front of Gateway school at 1350 7th Avenue.

Please send copy to: Valvelin Valledor, 1374 7th Avenue, San Francisco,CA94122

From: Supervisor Ma

To: Director, Department of Administrative Services

To: Director, Airport Commission

To: Director, Art Commission

To: Assessor

To: Clerk, Board of Supervisors

To: Director, Child Support Services

To: City Attorney

To: Director, Planning Department

To: Director, Community Mental Health Services

To: Director, Department of Building Inspection

To: Director, Department of Human Services

To: Director, Department of Environment

To: Director, Department of Emergency Services

To: Chief, Fire Department

To: Chief, Police Department

To: Director, Department of Human Resources

To: Director, Municipal Transportation Authority

To: Director, Public Utilities Commission

To: Director, Department of Public Works

To: General Manager, Recreation and Park Department

To: Director, Retirement System

To: Treasurer/Tax Collector

To: Clerk, Superior Court

Requesting/Inquiring: To report on the following:

1) How much does your department spend on postage annually?

2) How many

In Memoriams

Thelma Shelley (Entire Board)

John "Sean" Philpott (Supervisor Elsbernd)

Ellis Cheney (Supervisor Ma)

Hunter S. Thompson (Supervisors Mirkarimi, McGoldrick)

Nelly Bagdasorva (Supervisor Mirkarimi)

Charles Rhodes (Supervisor Peskin)

Agostina Giuliana Zucconi Chang (Supervisor Peskin)

ADJOURNMENT

There being no further business the Board adjourned at the hour of 4:04 p.m.

Gloria L. Young, Clerk of the Board

N.B.The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on March 22, 2005.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.
Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.
Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.
Agenda are available on the internet at www.sfgov.org/bdsupvrs.bos.htm.
THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK.
Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.
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Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.
AVISO EN ESPA¥OL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7701

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The Legislative Chamber of the Board of Supervisors is in Room 250 of City Hall, 1 Dr. Carlton B. Goodlett Place. The Chamber is wheelchair accessible.
The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.
There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.
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The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting. This advance notice will help ensure availability.
ú For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.
ú For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.
Assistive listening devices are available from the receptionist in the Clerk of the

Board's Office, Room 244, prior to the meeting.
The Clerk of the Board's Office TTY number is (415) 554-5227.
In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102 by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org
Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine.htm

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Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

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City and County of San Francisco
Board of Supervisors

Full Board Agendas

City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES

Tuesday, March 1, 2005
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL

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Members Present: *Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick,*

Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

Members Excused: *None.*

Members Absent: *None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll

Supervisor Sandoval was noted absent.

Quorum present.

Supervisor Sandoval was noted present at 2:06 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved to approve February 1, 2005 Meeting Minutes. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

050171 **[Retroactively Accept-Expend Federal Funding-HOME American Dream Downpayment Initiative Program and Permanent Housing for the Chronically Homeless Funds]** — **Supervisors Dufty, Elsbernd**

Resolution authorizing the Mayor of the City and County of San Francisco to retroactively accept and expend grants from the U.S. Department of Housing and Urban Development (HUD) for a total amount of $1,358,286 including $858,286 for the HOME American Dream Downpayment Initiative Program, and $500,000 in Competitively Reallocated HOME Funds to Provide Permanent Housing for the Chronically Homeless, authorized under TITLE II of the National Affordable Housing Act of 1990, Public Law Number 101-625.

Enacted Number: 160-05

ADOPTED

050175 [Improve retention of nurses and patient outcomes at San Francisco General Hospital] Supervisor Ammiano

Resolution authorizing the San Francisco Department of Public Health/San Francisco General Hospital (SFDPH/SFGH) to accept retroactively and expend grant funds in the first year amount of $626,650 from an award to the San Francisco General Hospital Foundation (SFGHF) from the Gordon and Betty Moore Foundation to improve retention of nurses and patient outcomes at San Francisco General Hospital and to add one new position at SFDPH/SFGH; for the period of December 1, 2004, to November 30, 2005.

Enacted Number: 161-05

ADOPTED

Recommendation of the City Operations and Neighborhood Services Committee

041611 [Authorization for a Local Disease Prevention Demonstration Project] Supervisors Dufty, Ammiano, Mirkarimi

Ordinance amending the Health Code to add Section 31 authorizing the Department of Public Health to create and operate a Disease Prevention Demonstration Project to register pharmacies to sell or furnish hypodermic needles without a prescription as allowed under State law, such registration to consist of the department maintaining a list of participating pharmacies, providing such pharmacies with written information for customers on how to access drug treatment, HIV and Hepatitis C testing and treatment, and safe disposal of sharps waste.

Enacted Number: 44-05

FINALLY PASSED

Recommendations of the Rules Committee

041763 [Settlement of Lawsuit - Israel Flores]

Ordinance authorizing settlement of the lawsuit filed by Israel Flores against the City and County of San Francisco for $85,000.00; the lawsuit was filed on September 18, 2003 in the United States District Court, Northern District,

Case No. C03-4262 SBA; entitled Israel Flores v. City and County of San Francisco, et al; other material terms of said settlement are the City shall waive its lien in the amount of $33,740.60, representing the value of medical services provided to Israel Flores for injuries sustained in the relevant incident. (City Attorney)

PASSED, ON FIRST READING

050094 **[Settlement of Lawsuit - Rebeccah Sturtz v. CCSF]**

Ordinance authorizing settlement in the matter of Rebeccah Sturtz v. City and County of San Francisco for $65,000. The lawsuit was filed on June 3, 2003 in San Francisco Superior Court, Case No. 415-227; entitled Rebeccah Sturtz v. City and County of San Francisco; Raymond E. Batz Jr., Gary D. Curto, Albert J. Fernandez, Charles Krieger, Timothy J. Miles, Harry Paretchan, William Shore, and Does I through XX, inclusive. (City Attorney)

PASSED, ON FIRST READING

050164 **[Settlement of Lawsuit - Evelyn Black v. CCSF, et al.]**

Ordinance authorizing settlement of the lawsuit filed by Evelyn Black against the City and County of San Francisco for $137,500; the lawsuit was filed on March 10, 2003 in San Francisco Superior Court, Case No. 418-143; entitled Evelyn Black v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

050246 **[Settlement of Lawsuit - Kemper Insurance Co.]**

Ordinance authorizing settlement of the lawsuit filed by Kemper Insurance Co. by and through American Manufacturers Mutual Insurance Co. against the City and County of San Francisco for $46,344.48; the lawsuit was filed on December 23, 2004 in San Francisco Superior Court, Case No. 437-338; entitled Kemper Insurance Co, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

050247 **[Settlement of Lawsuit - 18th and Arkansas Homeowners Association, et al., v. CCSF, et al.]**

Ordinance authorizing settlement of the lawsuit filed by 18th and Arkansas Homeowners Association, 1220 Folsom Street Owners' Association, 2412 Harrison Street Owners' Association, India Cove Homeowners Association, 700 Illinois Street Owners' Association, 1415 Indiana Street Owners' Association, Penn Station Lofts Owners' Association, 226 Ritch Street Owners Association, 650 Second Street Owners' Association, San Francisco Flower

Growers Association, 2030 Third Street Homeowners' Association, Tehama Lofts Condominium Owners' Association, 1011 23rd Street Owners' Association, and 239 8th Street Homeowners' Association against the City and County of San Francisco for $65,424.81; the lawsuit was filed on September 27, 2003 in the San Francisco Superior Court, Case No. 424-484; entitled 18th and Arkansas Homeowners Association, et al., v. City and County of San Francisco, et al.

PASSED, ON FIRST READING

050080 **[One Year Tolling Agreement]**

Resolution approving the City Attorney's entry into a mutual tolling agreement governing administrative claims or suit by the City of Daly City ("Daly City") against the City and County of San Francisco ("San Francisco") and/or San Francisco against Daly City. (City Attorney)

Enacted Number: 159-05

ADOPTED

050248 **[Settlement of Claim - Liberty Mutual Insurance Company]**

Resolution approving the settlement of the unlitigated Claim No. 04-02628 filed by Liberty Mutual Insurance Company as subrogee for Cresleigh Management on March 10, 2004 against the City and County of San Francisco for $33,466.09. (City Attorney)

Enacted Number: 166-05

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed From the Consent Agenda

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

050045 [Sale of City Property]

Ordinance ordering the sale at public auction of City-owned property located at 1648 Pacific Avenue and 2350 19th Avenue; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the sale is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing other actions in furtherance of this ordinance. (Real Estate Department)

(Supervisor Daly dissenting in Committee.)

Enacted Number: 45-05

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

050302 [Hearing - Proposed motion amending the Rules of the Board of Supervisors by amending Rule 5.1]

Hearing to discuss the proposed motion amending the Rules of the Board of Supervisors by amending Rule 5.1 to create a subcommittee of the Budget and Finance Committee. (Clerk of the Board)

President inquired as to whether or not a member of the public wished to address the Board.

There were no speakers.

The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

Committee of the Whole Adjourn and Report Without Recommendation

050303 [Creating a Subcommittee of the Budget and Finance Committee]

Motion amending the Rules of the Board of Supervisors by amending Rule 5.1 to create a subcommittee of the Budget and Finance Committee.

Enacted Number: M05-31

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

It was decided to to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests.

Supervisor Maxwell introduced, welcomed and presented a Certificate of Honor to Lynn Westry.

Supervisor McGoldrick introduced and welcomed John Martin, SFO, Airport Director, in recognition of being recognized as the Airport Director of the Year.

Supervisors Dufty, Maxwell, Ammiano and Elsbernd extended congratulations to John Martin, SFO, Airport Director.

Supervisor Peskin introduced, welcomed and presented a Certificate of Honor to representatives of the American Red Cross in recognition of American Red Cross Month.

Recess

The Board recessed at the hour of 3:40 p.m.

Reconvening of the Board

The Board at the hour of 4:05 p.m. reconvened.

Calling the Roll

On call of the roll, the following Supervisors were noted present:

Supervisors Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma,

Maxwell, Mirkarimi, Peskin - 9

Quorum present.

Supervisor McGoldrick was noted present at 4:11 p.m.

Supervisor Sandoval was noted present at 4:12 p.m.

SPECIAL ORDER 4:00 P.M.

050110 [Public Hearing - Appeal of Categorical Exemption for 3775-21st Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated January 10, 2005, Case No. 2004.0446V, approving both the front setback and rear yard variances for the revised third story addition at the existing two-story, single-family dwelling. The project site is located at 3775-21st Street, south side between Noe and Sanchez Streets; Lot 090 in Assessor's Block 3621 in an RH-1 (Residential, House, One-Family) District and Dolores Heights Special Use District and a 40-X Height and Bulk District.

The appellant challenges the grant of categorical exemption on the grounds that the variance in land use is not "minor" under the terms of the statute and that given the site location and history, the granting of categorical exemption is not appropriate because the project could have dramatic negative impacts to the environment of the immediate neighborhood and the Special Use District in which it is located. (Appellant: Stephen M. Williams, Law Office of Stephen M. Williams, Attorneys and Counselors at Law.)

(Filed January January 19, 2005; companion measure to Files 050112, 050113, 050114; District 8.)

Steve Williams, Attorney for appellant

Mr. Burke; support of appellant

Dan Silva; support of appellant

Ralph Peterson; support of appellant

Nancy Provett; support of appellant

John Marshall; support of appellant

Ralph Bates; support of appellant

Larry Badiner, Zoning Administrator and Assistant Director, and Paul Maltzer, Environmental Officer, reviewed with the Board the Planning Department's recommendation.

Brett Gladstone, Attorney for Project Sponsor and Keith Grenzeback, Project Sponsor.

Bill Mathews, Architect; support of project sponsor

Brenda Hyme, support of project sponsor

Steve Coleman; support of project sponsor

Mark Thomas; support of project sponsor

Louise Libby; support of project sponsor

Kyle Footer; support of project sponsor

Katherine Taggert; support of project sponsor

Kathleen DiGrande; support of project sponsor

Barry Taylor; support of project sponsor

Terry Auckland; support of project sponsor

President inquired as to whether or not a member of the public wished to address the Board.

The President declared the public hearing closed.

Rebuttal Period

Steve Williams, Attorney for appellant

HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption described

above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

Appointment of President Pro Tempore

At the request of the President, Supervisor Sandoval assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

050112 [Affirming the categorical exemption issued for 3775 21st Street]

Motion affirming the determination by the Planning Department that the 3775 21st Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Enacted Number: M05-29

Supervisor Peskin, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 1 - McGoldrick

050113 [Disapproving the categorical exemption issued for 3775 21st Street]

Motion disapproving the determination by the Planning Department that the 3775 21st Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Peskin, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 1 - McGoldrick

050114 [Preparation of findings related to the categorical exemption issued for 3775 21st Street]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 3775 21st

Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Peskin, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 1 - McGoldrick

COMMITTEE REPORTS

050133 **[Defense Costs of Residential Hotel Ordinance]** **Supervisor Peskin**

Ordinance amending Section 41.13 of the San Francisco Administrative Code, the Residential Hotel Unit Conversion and Demolition Ordinance, to clarify that funds in the Residential Hotel Preservation Fund may be expended both to create replacement housing and to administer the Ordinance, including defending it against legal challenge.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

Pursuant to the Board of Supervisors Rule No. 3.9

Supervisor Ma provided the Board an update of the Association of Bay Area Government on which she represents the Board of Supervisors.

Supervisor Daly provided the Board an update on the Bay Area Air Quality Management District on which he represents the Board of Supervisors.

Supervisor Dufty provided the Board updates on the Golden Gate Bridge, Highway & Transportation District on which he represents the Board of Supervisors.

Supervisor Ammiano provided the Board updates on the Golden Gate Bridge, Highway & Transportation District and the Metropolitan Transportation Commission on which he represents the Board of Supervisors.

PUBLIC COMMENT

Female Speaker; District 6 resident, budget issues

Abdullah Megaheed; homeless issues

James Chafee; Library issues

Mark Bruberger, taxicab driver; taxi issues

Peter Warfield; Library issues

Male Speaker, taxicab driver; taxi issues

Joe M., taxicab driver; taxi issues

Tong, taxicab driver; taxi issues

Taxicb driver; taxi issues

Katherine Howard; support of landmarking Music Concourse Bowl, Item 28

Taxicab driver; taxi issues

Ruth Gravis; taxi issues

Barbara Rose; posting of agendas

Margaret Murray; support of landmarking Music Concourse Bowl, Item 28

Male Speaker; support of landmarking Music Concourse Bowl, Item 28

Greg Miller; support of landmarking Music Concourse Bowl, Item 28

Taxicab driver; taxi issues

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

050239 [Canceling March 8, 2005, Board of Supervisors meeting] **Supervisor Peskin**

Motion canceling March 8, 2005, meeting of the Board of Supervisors.

Enacted Number: M05-30

APPROVED

050240 [Endorsing Community Choice Aggregation Bill of Rights] Supervisors Ammiano, Mirkarimi

Resolution endorsing Local Power's Community Choice Aggregation Bill of Rights, to clarify and expand the authorities of Cities and Counties such as San Francisco with respect to large scale solar energy, efficiency and other conservation technologies and further urging California Senator Migden and California Assembly member Mark Leno to jointly file aforementioned Community Choice Aggregation Bill of Rights by the legislative deadline.

Supervisor Mirkarimi requested to be added as a co-sponsor.

Enacted Number: 162-05

ADOPTED

050241 [Congratulating The 15 Association on its twenty-fifth anniversary] Supervisors Dufty, Ammiano

Resolution congratulating The 15 Association on its twenty-fifth anniversary.

Enacted Number: 163-05

ADOPTED

050242 [Substance Abuse and Mental Health Services Administration (SAMHSA)] Supervisors Dufty, Ammiano, Mirkarimi

Resolution repudiating the Substance Abuse and Mental Health Services Administration (SAMHSA), a division of the Department of Health and Human Services, for deleting the words "gay," "lesbian," "bisexual" and transgender" from the title of an upcoming suicide prevention workshop.

Supervisor Mirkarimi requested to be added as a co-sponsor.

Enacted Number: 164-05

ADOPTED

050243 [School Breakfast Week] Supervisor Ma

Resolution declaring March 7 - 11, 2005 as "School Breakfast Week" in the City and County of San Francisco.

Enacted Number: 165-05

ADOPTED

050278 [National Black Family Technology Awareness Week] Supervisor Maxwell

Resolution recognizing February 13-19, 2005 as National Black Family Technology Awareness Week and commending IBM, the Career Communications Group and its local partners at the San Francisco Unified School District in hosting a Family Technology Night to highlight this issue.

Enacted Number: 167-05
ADOPTED

050280 **[Punch Gallery Day]** **Supervisor Mirkarimi**
Resolution proclaiming February 25, 2005 as Punch Gallery Day.

Enacted Number: 168-05
ADOPTED

050281 **[Commending the Korean-American Community Center]** **Supervisors Mirkarimi, Ma**
Resolution commending Korean-American Community Center for its efforts in relief of tsunami victims.

Enacted Number: 169-05
ADOPTED

050282 **[Dr. Anita Friedman Day]** **Supervisors Peskin, Ma**
Resolution declaring March 19, 2005 Dr. Anita Friedman Day.

Supervisor Ma requested to be added as a co-sponsor.
Enacted Number: 170-05
ADOPTED

050283 **[City Policy Regarding Contract Approval]** **Supervisors Peskin, Elsbernd**
Resolution making it the policy of the City and County that the Board of Supervisors not approve the exercise of options to renew contracts and leases under Charter Section 9.118 where the initial term together with the extension would exceed ten years, if the original agreement was not brought to the Board for its information and review before the agreement was executed.

Supervisor Elsbernd requested to be added as a co-sponsor.
Enacted Number: 171-05
ADOPTED

050284 **[Assembly Bill 232]** **Supervisors Sandoval, Ma**
Resolution urging the California State Legislature to pass AB 232 which will

increase state funding to community college nursing programs.

Enacted Number: 172-05

ADOPTED

050285 [Assembly Bill 41] Supervisors Sandoval, Ma

Resolution urging the California State Legislature to approve AB 41: Human Trafficking Act, which establishes the crime of trafficking of a person for forced labor or services and the crime of trafficking of a minor for sexual servitude, providing various sentencing enhancements for these offenses. The bill would also impose state-mandated programs and require restitution to trafficking victims.

Enacted Number: 173-05

ADOPTED

050286 [Urging Congress to retain funding for housing programs in the 2006 Department of Housing and Urban Development budget] Mayor, Supervisor Peskin

Resolution expressing grave concern about President George W. Bush's proposed budget for the Department of Housing and Urban Development for fiscal year 2006 and urging Congress to retain funding for programs related to the development and preservation of affordable housing.

Enacted Number: 174-05

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed from Without Reference to Committee Agenda

Supervisor Ammiano requested that this matter be severed so that it might be considered separately.

050321 [Board waiver of committee reference requirement and convening as a Committee of Supervisors Ammiano, Daly, Elsbernd, Ma

the Whole for purposes of considering an amendment to Board Rule 5.1, which would create a subcommittee of

Motion suspending Rule 4.38 of the Rules of Order of the San Francisco Board of Supervisors to consider, without reference to committee, an amendment to Board Rule 5.1 which would create a subcommittee of the Budget and Finance Committee of the San Francisco Board of Supervisors; motion that the Board sit as a Committee of the Whole on March 1, 2005, for the purpose of considering the proposed amendment to Rule 5.1.

Enacted Number: M05-32

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor McGoldrick requested that this matter be severed so that it might be considered separately.

050279 **[Landmarking of the Grid of Pollarded in the Music Concourse Bowl, Golden Gate Park]** **Supervisor Mirkarimi**

Resolution urging the Planning Commission, the Planning Department and the Landmarks Preservation Advisory Board to landmark the Music Concourse and to include in the landmarking ordinance language protecting the historic grid of pollarded trees, and urging the Recreation and Park Commission, the Department of Recreation and Park, the Golden Gate Park Concourse Authority and Music Concourse Community Partnership to protect the integrity of existing trees during construction.

Supervisor McGoldrick requested that this matter be referred to Committee.

REFERRED to the Land Use Committee.

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding.Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding] Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Sandoval, seconded by Supervisor Dufty, moved ADOPTION of

the Commendatory Finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

[Brown Act Finding] Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Sandoval, seconded by Supervisor Dufty, moved ADOPTION of the Brown Act Finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

050332 [Commending Jane Zimmerman] **Supervisor Sandoval**

Resolution commending Jane Zimmerman of the Boys and Girls Clubs of San Francisco for her work serving the children and youth of San Francisco.

Enacted Number: 175-05

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

050177 [100% owner-occupied TICs] **Supervisors Alioto-Pier, Dufty, Elsbernd**

Ordinance allowing owners of 2-6 unit buildings to convert the building into a condominium where the building was owned as a tenancy-in-common on January 20, 2005 and was 100% owner-occupied on January 20, 2005 and making environmental findings.

2/1/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 3/3/2005. Primary sponsors: Supervisors Alioto-Pier and Dufty.

2/8/05, REFERRED TO DEPARTMENT. Referred to Building Inspection Commission for review and comments.

3/1/05, SUBSTITUTED. Supervisor Alioto-Pier submitted a substitute ordinance bearing new title.

3/1/05, ASSIGNED to Land Use Committee.

050137 **[Public Employment - Various Departments]** **Supervisor McGoldrick**

Ordinance amending Ordinance No. 198-04 (Annual Salary Ordinance 2004/2005) reflecting the deletion of 7.4 positions at Airport Commission, Department of Human Resources, Human Services Agency, Public Health, Public Works, Recreation and Park, Human Rights Commission, and the Department on the Status of Women.

(Fiscal impact.)

1/25/05, RECEIVED AND ASSIGNED to Finance and Audits Committee.

1/31/05, TRANSFERRED to Budget and Finance Committee. New committee structure effective 2/7/05.

3/1/05, SUBSTITUTED. Supervisor McGoldrick submitted a substitute ordinance bearing new title.

3/1/05, ASSIGNED to Budget and Finance Committee.

050348 **[Authorizing the Mayor to add additional terms and conditions to the memorandum of agreement between the City and participants in the City's Annual Joint Fundraising Drive]** **Mayor, Supervisor Peskin**

Ordinance amending the San Francisco Administrative Code by amending Section 16.93-5, to authorize the Mayor to add additional terms and conditions to the memorandum of agreement between the City and participants in the City's Annual Joint Fundraising Drive.

3/1/05, RECEIVED AND ASSIGNED to Rules Committee.

050349 **[Bicycle Plan Policy Framework adoption and related General Plan amendments]** **Mayor, Supervisors McGoldrick, Mirkarimi**

Ordinance amending the San Francisco General Plan in connection with the Bicycle Plan; adopting environmental findings and findings that the General Plan amendment is consistent with the General Plan and eight priority policies of Planning Code Section 101.1; adopting the San Francisco Bicycle Plan: Policy Framework; and authorizing official acts in connection thereto.

3/1/05, RECEIVED AND ASSIGNED to Land Use Committee. 3/3/05, Supervisor Mirkarimi asked to be added as cosponsor.

050350 **[Appropriate funds to pay for litigation fees associated with the Residential Hotel Unit Conversion/Demolition Ordinance for FY2004-05]** **Supervisor Peskin**

Ordinance appropriating $300,000 from the Residential Preservation Fund Account, within the Building Inspection Fund's Repair & Demolition subfund, to pay for litigation fees associated with the defense of the Residential Hotel Unit Conversion and Demolition Ordinance for Fiscal Year 2004-2005.

(Fiscal impact.)

3/1/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050351 **[Limitations on the Number of Dungeness Crab Traps]** **Supervisors Peskin, Dufty**

Ordinance adding Chapter 14, the "Dungeness Crab Sustainability Ordinance" to the Environment Code, adding section 1400 setting forth the findings, adding section 1401 limiting to 250 per day the number of crab traps a vessel, loading or unloading traps or crab in San Francisco, may set , and section 1402, making the penalty for violation a misdemeanor and charging the Department of the Environment with monitoring the Ordinance.

3/1/05, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 3/31/2005. 03/03/05 - Referred to Small Business Commission for Comment. 3/11/05 - Referred to the Department of the Environment.

050353 **[To increase the appropriation of funds for the Human Services Agency's Wages Plus Program to cover the current year shortfall and contractual services]** **Supervisor Daly**

Ordinance appropriating $285,027 from the General Fund to cover the Human Services Agency's shortfall and contractual staffing requirements, retroactive to January 1st, for the Wages Plus Program for fiscal year 2004-05.

(Fiscal impact.)

3/1/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050354 **[To de-appropriate funding for the Human Services Agency's implementation of CALWIN (automated system to track welfare clients).]** **Supervisor Daly**

Ordinance de-appropriating $1,000,000 of funding for the Human Services Agency's implementation of the CALWIN system (an automated system to track welfare clients) for fiscal year 2004-05.

(Fiscal impact.)

3/1/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050355 **[Lobbyist Ordinance]** **Supervisors Ma, Mirkarimi**

Amending the Lobbyist Ordinance, Article II, Chapter 1 of the Campaign and Governmental Conduct Code, by adding a new section 2.118 to require persons who do not qualify as lobbyists but who are paid to provide testimony, or pay someone else to provide testimony, at a public hearing of the City and County to disclose the source of the payment.

3/1/05, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 3/31/2005.

050357 **[Sacramento Street Neighborhood Commercial District - Allowing residential conversion on second and third stories with a conditional use permit]** **Supervisor Alioto-Pier**

Ordinance amending Section 724.1 of the Planning Code to allow, as a conditional use, for conversion of upper floor residential units in the Sacramento Street Neighborhood Commercial District as a conditional use, where: the new use will be an Other Institution, Large, Educational Services use, only one dwelling unit in building will be converted and that unit is the only non-residential use in the building, and no legally residing tenant will be displaced; and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

3/1/05, RECEIVED AND ASSIGNED to Land Use Committee.

Resolutions

050352 **[Supporting State Legislation AB 781]** **Supervisors Peskin, Ammiano, Daly, McGoldrick**

Resolution urging the California State Legislature to approve Assembly Bill 781, introduced by Assemblyman Mark Leno.

3/1/05, RECEIVED AND ASSIGNED to Land Use Committee.

050359 **[Grant of Federal Funds]** **Supervisor Daly**

Resolution authorizing the Municipal Transportation Agency to accept and expend $266,666 of Low Income Flexible Transportation (LIFT) Funds, for maintenance of the Municipal Railway's #108 Line between San Francisco and Treasure Island, excluding administrative overhead costs.

3/1/05, RECEIVED AND ASSIGNED to Land Use Committee.

050360 **[San Francisco's First Annual Spring Cleaning Day]** **Supervisors Alioto-Pier, Elsbernd**

Resolution declaring Saturday, March 19, 2005 as San Francisco's First Annual Spring Cleaning Day.

3/1/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050361 **[Zoning - Extension of Planning Commission Review Period]** **Supervisor Ammiano**

Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the Planning Code to define a single room occupancy unit as a unit that is affordable to very low income or extremely low income households.

3/1/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050362 **[Supporting Golden Gate Bridge Suicide Barrier]** **Supervisors Ammiano, Maxwell, Mirkarimi, Alioto-Pier, Daly, Dufty, McGoldrick, Peskin**

Resolution supporting the need for a suicide barrier on the Golden Gate Bridge to protect the public's health and safety and further urging the Golden Gate Bridge Board Directors to proceed with the design and consultation of a suicide barrier.

3/1/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050363 **[Full-funding for Wages Plus Program in FY 04/05 and FY 06/07]** **Supervisors Daly, Ma, Peskin, Ammiano**

Resolution urging Mayor to fully fund the Wages Plus Program to ensure that eligible child care providers who have sought approved training and educational units can receive wage increases in FY 04/05 and FY 05/06 as prescribed by the program.

3/1/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050364 **[Urging the Social Security Administration to Refrain from Closing the Western Addition Field Office]** **Supervisor Mirkarimi**

Resolution urging the Social Security Administration to refrain from closing the Western Addition Social Security Office.

3/1/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050385 **[Supporting Assembly Bill 1147 - California Industrial Hemp Farming Act]** **Supervisor Mirkarimi**

Resolution urging the California Assembly and Senate and the Governor of California to support Assembly Bill 1147 (AB1147), introduced by Assemblyman Mark Leno, the "The California Industrial Hemp Farming Act".

3/1/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050386 [Ethics Investigation Disclosure] Supervisor Mirkarimi

Resolution urging the Ethics Commission to unseal and redact records related to the settlement of the case involving late reporting of contributions against Proposition D of 2002.

3/1/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050387 [Commending Kathy Thomas-Perry] Supervisor Maxwell

Resolution commending Kathy Thomas-Perry for her dedication, commitment to and leadership of the San Francisco Asthma Task Force.

3/1/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050388 [Supporting Fair Wages and Working Conditions for All UCSF Workers] Supervisors McGoldrick, Mirkarimi, Ammiano, Sandoval

Resolution supporting fair wages and working conditions for all UCSF workers.

3/1/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050390 [Opposing H.R. 298] Supervisors Peskin, Ammiano, Daly, Elsbernd

Resolution opposing H.R. 298, a bill sponsored by Rep. Richard Pombo to require the Secretary of the Interior to provide public access to the Farallon National Wildlife Refuge.

3/1/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050391 [Supporting Senate Bill 169] Supervisors Peskin, Alioto-Pier

Resolution expressing support for Senate Bill 169, introduced by Senator Carole Migden, and urging the California State Legislature and Governor to support this measure.

3/1/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050392 [Greek Independence Day in San Francisco] Supervisors Ma, Mirkarimi, Elsbernd, Sandoval

Resolution declaring March 25, 2005 as "Greek Independence Day" in the City

and County of San Francisco.

3/1/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050393 [United Irish Cultural Center 30th Anniversary] **Supervisors Ma, Elsbernd, Mirkarimi, Ammiano**

Resolution commending the 30th Anniversary of the United Irish Cultural Center.

3/1/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050394 [Commending Preschool California] **Supervisor Ma**

Resolution commending Preschool California's efforts in building momentum toward increasing access to quality preschool to all 4-year-olds in California.

3/1/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050395 [Mission of Laguna Honda Hospital] **Supervisors Elsbernd, Peskin, Mirkarimi, Ma**

Resolution urging the Executive Staff of Laguna Honda Hospital to amend the recently revised mission of LHH to include "long term care" as one of the goals of the hospital, and to publicly consult with the Mayor and the Board of Supervisors before any additional changes are made to either the mission or the admissions policy of Laguna Honda Hospital.

3/1/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050396 [Laguna Honda Quarterly Statistics Report] **Supervisors Elsbernd, Peskin, Mirkarimi, Ma**

Resolution urging the Executive Administrator of Laguna Honda Hospital and Rehabilitation Center to provide, on a quarterly basis, admissions statistics for Laguna Honda Hospital detailing age, ethnicity, and referral information.

3/1/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050397 [Declaring March 11, 2005 to be Sylvester Day] **Supervisors Dufty, Ammiano**

Resolution declaring March 11, 2005 to be Sylvester Day.

3/1/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050398 **[Declaring March 15, 2005 to be Drug Court Day]** **Supervisors Dufty, Ma**

Resolution declaring March 15, 2005 to be Drug Court Day.

3/1/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050399 **[Commending Sydney Gurewitz Clemens]** **Supervisor Dufty**

Resolution commending Sydney Gurewitz Clemens.

3/1/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests For Hearing

050333 **[Neighborhood Emergency Response Training (NERT) pilot program at Wallenberg High School]** **Supervisor Alioto-Pier**

Hearing on creating a Neighborhood Emergency Response Training (NERT) pilot program at Wallenberg High School for the 2005-2006 school year.

3/1/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 3/8/05 - Referred to the Youth Commission for comment.

050334 **[Bay Bridge/Golden Gate Bridge Safety and Emergency Procedures]** **Supervisor Alioto-Pier**

Hearing on safety and emergency procedures for the Bay Bridge and Golden Gate Bridge.

3/1/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

050335 **[SFUSD's nutritional standards and status of implementation of the 2003 S.F. Board of Education's healthy-food policy.]** **Supervisor Alioto-Pier**

Hearing on the San Francisco Unified School District's nutritional standards for food and drinks provided to or available to students and the status of implementation of the 2003 San Francisco Board of Education's healthy-food policy.

3/1/05, RECEIVED AND ASSIGNED to City and School District Select Committee. 3/7/05 - Referred to Youth Commission for comment.

050336 **[Status of SFUSD Consent Decree regarding Student Assignment]** **Supervisor Alioto-Pier**

Hearing on the progress of the San Francisco Unified School District preparations for the expiration of the Consent Decree regarding how the district will address student assignment.

3/1/05, RECEIVED AND ASSIGNED to City and School District Select Committee. 3/7/05 - Referred to Youth Commission for comment.

050337 [Creating the Office of Economic Development] Supervisor Alioto-Pier

Hearing on the progress of creating the Office of Economic Development and drafting an economic development plan for the City as required by the passage of Proposition I.

3/1/05, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

050338 [Death Toll from the 1906 Earthquake and Fire.] Supervisor Alioto-Pier

Hearing on the process being used and the progress made to date on recalculating the death toll from the 1906 earthquake and fire.

3/1/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

050339 [Budgets of Large General Fund City Departments] Supervisor Ammiano

Hearing to consider the budgets of large General Fund City departments, including Public Health, Department of Human Services, Fire, Police, Sheriff, and the Recreation and Parks Department. The hearing perimeters will include (1) current year spending and performance; (2) midyear budget cuts; and (3) the proposed FY 2005-2006 budget submission to the Mayor.

3/1/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050340 [Potential Impacts of Proposed Federal Cuts to the CDBG Program] Supervisor Ammiano

Hearing to review the potential impacts of the proposed federal cuts to the CDBG program to San Francisco's non-profit delivery system and how the Mayor's Office of Community Development's upcoming funding plans might be affected.

3/1/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050341 [Policy Priorities for the Board of Supervisors 2005 Budget] Supervisor Ammiano

Hearing to review the Policy Priorities for the Board of Supervisors 2005 Budget.

3/1/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050342 [2005 Board of Supervisors Budget Committee Process] Supervisor Ammiano

Hearing to review the 2005 Board of Supervisors Budget Committee Process.

3/1/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050343 [Controller's current City and County budget reserves and fund balance practices] Supervisor Ammiano

Hearing to review the Controller's current City and County budget reserves and fund balance practices.

3/1/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050344 [Childhood Nutrition and Physical Activity Task Force] Supervisor Maxwell

Hearing to consider the recommendations developed by the Childhood Nutrition and Physical Activity Task Force.

3/1/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 3/3/05 - Referred to the Youth Commission for comment.

050345 [Treasure Island Redevelopment] Supervisor Maxwell

Hearing for the Treasure Island Development Authority to provide an update on the redevelopment of Treasure Island.

3/1/05, RECEIVED AND ASSIGNED to Land Use Committee.

050346 [Recommendations of the Biosciences Task Force] Supervisor Maxwell

Hearing on the recommendations of the Biosciences Task Force.

3/1/05, RECEIVED AND ASSIGNED to Land Use Committee.

050347 [Overtime expenditures and practices of General Fund Departments for fiscal year 2004-2005] Supervisor McGoldrick

Hearing to inquire into the overtime expenditures and practices of General Fund Departments for fiscal year 2004-2005 and to consider the implementation of an overtime reduction plan among such departments.

3/1/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050358 [Feasibility of CCSF enacting a City-mandated health insurance program] Supervisor Ammiano

Hearing to investigate the feasibility of the City and County of San Francisco enacting a City-mandated health insurance program.

3/1/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Motion

050331 [Needle Exchange Emergency] Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty, Mirkarimi

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

3/1/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Charter Amendment

050356 [Charter Amendment - Moving the Election Date of the Public Defender and Assessor/Recorder] Supervisor Mirkarimi

Charter amendment (First Draft) to amend Section 13.101 to move the election date of the Public Defender and Assessor-Recorder from the Statewide Primary Election in June to the following General Municipal Election in November.

3/1/05, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 3/31/2005.

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

Requests Granted

From: Supervisor Sandoval

To: Director, Department of Parking and Traffic

Requesting/Inquiring: To report on the timeline for repainting faded crosswalks on Ocean Avenue especially at the intersection of Capitol Avenue and Ocean Avenue, where the barely visible crosswalk puts the lives of Ocean Avenue pedestrians in danger.

Cc: Ms. Alexandra Young, 1111 Capitol Avenue, Apt. 2, S.F. 94112

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

Requesting/Inquiring: To report on the feasibility of establishing a two-way stop sign at the intersection of Octavia and Fulton Streets.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: To report on the status of the sinkhole in the eastbound lane of Golden Gate Avenue between Laguna and Buchanan Streets.

From: Supervisor Maxwell

To: City Attorney

Requesting/Inquiring: To draft legislation to institute nutrition standards for snacks and meals in City-sponsored and City-sponsored programs.

From: Supervisor Maxwell

To: City Attorney

Requesting/Inquiring: To draft legislation to require all city-sponsored and city-funded programs that provide meals to low-income children as part of their programming to utilize Federal funds available to them.

From: Supervisor Elsbernd

To: Controller

To: Treasurer/Tax Collector

Requesting/Inquiring: To prepare revenue projections for the increased property transfer tax revenue if the City and County of San Francisco increased the number of condominium conversions allowed each year to 600, 800, 1,000 or 1,200 units per year.

From: Supervisor Elsbernd

To: Executive Administrator of Laguna Honda Hospital and Rehabilitation

Center

Requesting/Inquiring: To provide the relevant information in detailing the steps taken to inform the various institutions of the reversed

In Memoriams

Kathleen Teresa McGee (Supervisor Elsbernd)

John B. Tsu (Supervisors Ma, Peskin)

Gerald Jackson (Supervisor Mirkarimi)

Gaylon Smith (Supervisor Mirkarimi)

Douce Francois Freitas (Supervisor Peskin)

Delphine Lippi (Supervisor Peskin)

ADJOURNMENT

There being no further business the Board adjourned at the hour of 5:46 p.m.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on April 5, 2005.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.
Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought

into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.
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翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7701

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City and County of San Francisco
Board of Supervisors

Full Board Agendas

City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES

Tuesday, March 15, 2005
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL

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Members Present: *Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona*

Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

Members Excused: *None.*

Members Absent: *None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:00 p.m. On the call of the roll

Supervisor McGoldrick was noted absent.

Quorum present.

Supervisor McGoldrick was noted present at 2:05 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved to approve February 8, 2005 and February 15, 2005 Meeting Minutes. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

050133 **[Defense Costs of Residential Hotel Ordinance]** **Supervisor Peskin**

Ordinance amending Section 41.13 of the San Francisco Administrative Code, the Residential Hotel Unit Conversion and Demolition Ordinance, to clarify that funds in the Residential Hotel Preservation Fund may be expended both to create replacement housing and to defend the Ordinance against legal challenge.

Enacted Number: 46-05
FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

050070 [STOP Intersections] **Supervisor Dufty**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Arlington Street at Roanoke Street, making this intersection an All-Way STOP; and
Arlington Street at Mateo Street, making this intersection an All-Way STOP.

(Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

Enacted Number: 197-05
ADOPTED

050151 [Accept-Expend State Grant]

Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend grant funds made available through the State Office of Emergency Services for a project entitled "Law Enforcement Specialized Unit (LESU) - Violence Against Women Program," and agreeing to accept an in-kind match from La Casa De Las Madres for a Victim Advocate position, and waiving indirect costs due to funding constraints. (Police Department)

Enacted Number: 196-05
ADOPTED

050154 [STOP Intersections]

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Broderick and Ellis Streets, stopping Ellis Street at Broderick Street, making this intersection an all-way STOP;
22nd and Illinois Streets, stopping Illinois Street at 22nd Street, making this intersection an all-way STOP;
41st Avenue and Vicente Street, stopping Vicente Street, making this intersection an all-way STOP; and
Duboce Avenue and Scott Street, stopping Duboce Avenue at Scott Street, making this intersection an all-way STOP. (Parking and Traffic Department)

(1/24/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2940.)

Enacted Number: 194-05
ADOPTED

050155 [Traffic Regulations] Supervisor Elsbernd

Resolution enacting and rescinding traffic regulations on various streets.

LEFT LANE MUST TURN LEFT - RESCIND
Anza Street, eastbound, at Masonic Avenue.

NO LEFT TURN - RESCIND
Twin Peaks Boulevard, northbound, onto westbound Carmel Street

NO LEFT TURN - ESTABLISH
505 Parnassus Avenue driveway exit (mid-block between 3rd Avenue and Hillway Street).

RIGHT OR LEFT TURNS ONLY - ESTABLISH
Baker Street, northbound, at Turk Street. (Parking and Traffic Department)

(1/24/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2940.)

Supervisor Elsbernd requested to be added as sponsor.

Enacted Number: 193-05
ADOPTED

050156 [Traffic Regulations]

Resolution enacting and rescinding traffic regulations on various streets.

NO TURN ON RED - ESTABLISH
14th Street, eastbound, at Folsom Street [so that an advanced stop line for bikes ("bike box") can be established].

MULTIPLE LEFT TURN LANES - RESCIND
LEFT LANE MUST TURN LEFT - ESTABLISH
Howard Street, westbound, approaching 11th Street. (Parking and Traffic Department)

(1/24/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2944.)

Enacted Number: 192-05
ADOPTED

050188 [Accept and Expend Grant] Supervisors Elsbernd, Ma

Resolution retroactively authorizing the San Francisco Fire Department (SFFD) to accept and expend a new grant in the amount of $110,569 from the Corporation for National and Community Service (CNCS) to recruit, deliver Neighborhood Emergency Response Team (NERT) training and develop leadership in San Francisco residents age 55 and older, for the period of September 30, 2004 through September 29, 2005.

Enacted Number: 191-05
ADOPTED

050153 [Parking Regulations]

Resolution enacting and rescinding parking regulations at various locations.

RESIDENTIAL PERMIT PARKING AREA "Z" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Sanchez Street, both sides, between 27th and Duncan Streets (1400 block).

RESIDENTIAL PERMIT PARKING AREA "W" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
York Street, west side, between 19th and 20th Streets (700 block, even addresses only); and
25th Street, both sides, between Kansas and Rhode Island Streets (2300 block).

UNMETERED MOTORCYCLE PARKING - ESTABLISH
Dolores Street, east side, between the driveways of 401 and 405 Dolores Street (a 10-foot zone, accommodating two motorcycle parking spaces);
Francisco Street, south side, between the driveways of 1567-1569 and 1573-1575 Francisco Street (8-foot zone, accommodating 2 motorcycle parking spaces); and,
15th Street, north side, from Harrison Street to 7 feet easterly (2 spaces).

UNMETERED MOTORCYCLE PARKING - RESCIND
18th Street, north side, from the west property line of #3922 - 18th Street to 7 feet easterly (7-foot zone accommodating 2 motorcycle parking spaces).

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
Anza Street, south side, from Masonic Avenue to 500 feet westerly.

NO PARKING ANYTIME - ESTABLISH
Anza Street south side, at Collins Street, along the sidewalk extension.

TOW-AWAY, NO STOPPING - ESTABLISH
Evans Avenue, west side, from Napoleon Street to 100 feet northerly; and
Evans Avenue, east side, from Napoleon Street to 120 feet northerly.

TWO-HOUR PARKING TIME LIMIT, APRIL THROUGH OCTOBER, 7 AM TO 10 PM, MONDAY THROUGH FRIDAY, 9 AM TO 6 PM, SATURDAY AND SUNDAY AND TWO-HOUR PARKING TIME LIMIT, NOVEMBER THROUGH MARCH, 7 AM TO 6

PM, MONDAY THROUGH SATURDAY - RESCIND
Townsend Street, south side, from 2nd Street to 27 feet westerly (rescinds the ballpark hours for motorcycle parking).

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
15th Street, south side, between Harrison Street and Treat Avenue.
10-MINUTE PARKING TIME LIMIT, 9 AM TO 6 PM, EVERYDAY - RESCIND
15th Street, north side, from Harrison Street to 8 feet easterly.

20-MINUTE TIME LIMIT, 9 AM TO 6 PM, EVERYDAY - ESTABLISH
15th Street, north side, from Alabama Street to 50 feet easterly. (Parking and Traffic Department)

(1/24/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2940.)

Enacted Number: 195-05
ADOPTED

Recommendations of the Rules Committee

041763 **[Settlement of Lawsuit - Israel Flores]**

Ordinance authorizing settlement of the lawsuit filed by Israel Flores against the City and County of San Francisco for $85,000.00; the lawsuit was filed on September 18, 2003 in the United States District Court, Northern District, Case No. C03-4262 SBA; entitled Israel Flores v. City and County of San Francisco, et al; other material terms of said settlement are the City shall waive its lien in the amount of $33,740.60, representing the value of medical services provided to Israel Flores for injuries sustained in the relevant incident. (City Attorney)

Enacted Number: 50-05
FINALLY PASSED

050094 **[Settlement of Lawsuit - Rebeccah Sturtz v. CCSF]**

Ordinance authorizing settlement in the matter of Rebeccah Sturtz v. City and County of San Francisco for $65,000. The lawsuit was filed on June 3, 2003 in San Francisco Superior Court, Case No. 415-227; entitled Rebeccah Sturtz v. City and County of San Francisco; Raymond E. Batz Jr., Gary D. Curto, Albert J. Fernandez, Charles Krieger, Timothy J. Miles, Harry Paretchan, William Shore, and Does I through XX, inclusive. (City Attorney)

FINALLY PASSED

050164 [Settlement of Lawsuit - Evelyn Black v. CCSF, et al.]

Ordinance authorizing settlement of the lawsuit filed by Evelyn Black against the City and County of San Francisco for $137,500; the lawsuit was filed on March 10, 2003 in San Francisco Superior Court, Case No. 418-143; entitled Evelyn Black v. City and County of San Francisco, et al. (City Attorney)

Enacted Number: 48-05

FINALLY PASSED

050246 [Settlement of Lawsuit - Kemper Insurance Co.]

Ordinance authorizing settlement of the lawsuit filed by Kemper Insurance Co. by and through American Manufacturers Mutual Insurance Co. against the City and County of San Francisco for $46,344.48; the lawsuit was filed on December 23, 2004 in San Francisco Superior Court, Case No. 437-338; entitled Kemper Insurance Co, et al., v. City and County of San Francisco, et al. (City Attorney)

Enacted Number: 47-05

FINALLY PASSED

050293 [Appointment - Arts Task Force]

Resolution appointing Kristine Keefer, Ronald Gallman, David Gluck, Diane Cullinan and Marc Vogl, terms ending July 1, 2005, to the Arts Task Force.

Kristine Keefer, new appointment, seat 12, must be an artist working the San Francisco Bay Area, for the unexpired portion of a six-month term ending July 1, 2005. Ronald Gallman, new appointment, seat 13, must serve as a director, staff member or board member of a non-profit arts organization based in San Francisco with an annual budget exceeding five million dollars, for the unexpired portion of a six-month term ending July 1, 2005. David Gluck, new appointment, seat 14, must serve as a director, staff member or board member of non-profit arts organization based in San Francisco with an annual budget between one million dollars and five million dollars, for the unexpired portion of a six-month term ending July 1, 2005. Diane Cullinan, new appointment, seat 15, must serve as a director, staff member or board member of a non-profit arts organizations based in San Francisco with an annual budget between $250,000 and one million dollars, for the unexpired portion of a six-month term ending July 1, 2005. Marc Vogl, new appointment, seat 16, must serve as a director, staff member or board member of a non-profit arts organization based in San Francisco with an annual budget less than $250,000, for the unexpired portion of a six-month term ending July 1, 2005.

Enacted 189-05

Number:
ADOPTED

050294 **[Appointment - Skateboarding Task Force]**

Resolution appointing David Miles, term ending September 6, 2005, to the Skateboarding Task Force.

David Miles, succeeding Ilya Weber, resigned, seat 2, must be from the in-line skating community knowledgeable about the sport for a period of five years, for the unexpired portion of a three-year term ending September 6, 2005.

Enacted Number: 188-05
ADOPTED

050324 **[Appointment - Child Care Planning and Advisory Council]**

Resolution appointing David Fleishman, term ending December 31, 2006, to the Child Care Planning and Advisory Council.

David Fleishman, succeeding Jean van Keulen, resigned, seat 2, must be a nominee of District 2 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative", for the unexpired portion of a four-year term ending December 31, 2006.

Enacted Number: 187-05
ADOPTED

The Consent Agenda, excluding File 050247, was passed by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval

Absent: 1 - McGoldrick

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved to rescind the previous vote.

Motion to rescind the previous vote without objection.

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed From Consent Agenda

Supervisor Maxwell requested that this matter be severed so that it might be considered separately.

050247 **[Settlement of Lawsuit - 18th and Arkansas Homeowners Association, et al., v. CCSF, et al.]**

Ordinance authorizing settlement of the lawsuit filed by 18th and Arkansas Homeowners Association, 1220 Folsom Street Owners' Association, 2412 Harrison Street Owners' Association, India Cove Homeowners Association, 700 Illinois Street Owners' Association, 1415 Indiana Street Owners' Association, Penn Station Lofts Owners' Association, 226 Ritch Street Owners Association, 650 Second Street Owners' Association, San Francisco Flower Growers Association, 2030 Third Street Homeowners' Association, Tehama Lofts Condominium Owners' Association, 1011 23rd Street Owners' Association, and 239 8th Street Homeowners' Association against the City and County of San Francisco for $65,424.81; the lawsuit was filed on September 27, 2003 in the San Francisco Superior Court, Case No. 424-484; entitled 18th and Arkansas Homeowners Association, et al., v. City and County of San Francisco, et al.

Continued to March 22, 2005

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

REGULAR AGENDA

NEW BUSINESS

Recommendations of the Budget and Finance Committee

050213 **[To appropriate supplemental funds to fund the SFPUC Water Capital Improvement Program (CIP) for the remainder of fiscal year 2004-2005]** Mayor

Ordinance appropriating $21,963,000 of bond sales proceeds from the Water Department to fund the San Francisco Public Utilities Commission's (SFPUC) Capital Improvements Program for fiscal year 2004-05.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

050189 **[Camp Mather - Fees Increase]** **Supervisor Ma**

Ordinance amending S.F. Park Code Section 12.01 to increase the Camp Mather cabin and tent site usage fees, amending Park Code Section 12.02 to increase the Camp Mather day use fees, and amending Park Code Section 12.03 to increase the Camp Mather meal fees and making environmental findings. (Recreation and Park Department)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

050060 **[MUNI Clean Air Plan and Compliance with Proposition I]** **Supervisor Ammiano**

Resolution supporting immediate action to implement MUNI's Clean Air Plan to bring MUNI into compliance with Proposition I by acquiring hybrid electric buses, retiring and replacing outmoded diesel buses and requiring that 100% of the interim diesel fleet be equipped with devices to minimize particulate matter (PM) and NOx (oxides of nitrogen) emissions.

(Fiscal impact.)

Enacted Number: 205-05

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the City Operations and Neighborhood Services Committee

041308 **[Regulating the Distribution of Handbills]** **Supervisor Ma**

Ordinance amending Article 5.7 of the Public Works Code by repealing section 184.71, which required persons distributing handbills to register and pay fees, amending section 184.73 to make violation of the ordinance an infraction instead of a misdemeanor, and by renumbering sections 184.71 through 184.77.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

050071 **[Shopping Cart Signage and Security Requirements]** Supervisor Ma

Ordinance amending Part II, Chapter X, of the San Francisco Municipal (Public Works) Code by adding Sections 1410-1414, requiring permanently affixed signs on shopping carts, requiring businesses with carts to post signs prohibiting removal from premises and to secure all carts during hours business is closed.

Continued to March 22, 2005

Supervisor McGoldrick, seconded by Supervisor Ma, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

050214 **[Authorizing the Human Services to request an Able Bodied Adults without Dependents (ABAWD) Waiver from the State Department of Social Services]** Mayor, Supervisor Ammiano

Resolution authorizing the Human Services Agency to request an ABAWD Waiver from the State Department of Social Services.

Enacted Number: 176-05

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Government Audit and Oversight Committee

050216 **[Jail Food Services]** Supervisor Sandoval

Resolution authorizing the Sheriff's Department to enter into a contract for jail food services which will require anticipated expenditures by the City and County of more than ten million dollars over a four year period.

Enacted Number: 190-05

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

050217 [Proposition J Certification for Jail Food Services] Supervisor Sandoval

Resolution approving the Controller's certification that county jail food service management operations can practically be performed by a private contractor at a lower cost than if work were performed by City employees at budgeted levels.

Enacted Number: 186-05

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Land Use Committee

041745 [Regulating Skateboard Riding] Supervisor Ma

Ordinance amending the San Francisco Traffic Code by amending section 100 (Ord. No. 300-98) so that it no longer applies to skateboard riders; repealing a second section 100 (Ord. No. 385-98); repealing sections 100.1 through 100.6, which established a pilot program regulating roller and in-line skaters that has now expired; and adding a new section 100.1, regulating the riding of skateboards in San Francisco.

Continued to March 22, 2005

Supervisor Ma, seconded by Supervisor Ammiano, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Rules Committee

041138 [Board of Supervisors to respond on behalf of City departments to orders for the production of City records made under designated state and federal laws] Supervisors McGoldrick, Mirkarimi, Peskin, Ammiano

Ordinance amending the San Francisco Administrative Code, by adding Section 2.20, to authorize the Board of Supervisors to identify as "watch laws" those state or federal laws calling for the disclosure of information or records held by the City, where disclosure could violate of the rights of individuals under the State or Federal Constitutions, and to authorize the Board to respond on behalf of City departments to orders for the production of City information or records made under such watch laws.

Supervisor Ammiano requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

041139 **[Designating the USA PATRIOT Act as a "watch law" under Charter Section 16.124]** **Supervisors McGoldrick, Mirkarimi, Peskin, Ammiano**

Resolution designating the USA PATRIOT Act as a "watch law" under Charter Section 16.124.

Supervisor Ammiano requested to be added as a co-sponsor.

Enacted Number: 206-05

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

050120 **[Appointing members to the IHSS Governing Body]** **Supervisor Maxwell**

Ordinance clarifying the process for appointing members to the In-Home Supportive Services Public Authority (IHSS) Governing Body, and adding two additional members (representing the bargaining unit of the union that represents IHSS independent providers, and a consumer at-large who is eighteen years of age or older).

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

050179 **[Extending the Joint City and School District Select Committee for two years]** **Supervisors Maxwell, Ma, Ammiano, Peskin**

Motion amending Rule 5.7 of the Rules of Order of the Board of Supervisors to extend the Joint City and School District Select Committee through March 1, 2007.

Enacted Number: M05-33

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Alioto-Pier, seconded by Supervisor Ma, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell,

McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Alioto-Pier introduced, welcomed and presented a Certificate of Honor to Dana Kethcum, President of the Viking Soccer League.

SPECIAL ORDER 4:00 P.M.

041275 **[Public Hearing - Appeal of Revised Certificate of Determination of Exemption from Environmental Review - American Buddhist Cultural Society Building located at 1730-1750 Van Ness Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated August 13, 2004, Case No. 2003.0657E, approving the proposed project to include: a renovation and vertical addition to the existing one-story-plus-mezzanine American Buddhist Cultural Society building; an expanded second level and construction of third and fourth levels for a total of four stories and a total height of approximately 70 feet; and add approximately 16,798 gross square feet (gsf) to the existing building for a total square footage of 27,758 gsf, located at 1730-1750 Van Ness Avenue, Assessor's Block 0622, Lot 019. (Appellant: 1776 Sacramento Street Homeowners Association, represented by the Law Offices of Stephen M. Williams).

(Filed September 9, 2004; companion measure to Files 041276, 041277, 041278; District 3.)

The President inquired as to whether or not a member of the public wished to address the Board.

Continued to April 26, 2005

Supervisor Elsbernd, seconded by Supervisor McGoldrick, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

041276 **[Affirming the categorical exemption issued for 1730-1750 Van Ness Avenue]**

Motion affirming the determination by the Planning Department that the 1730-1750 Van Ness Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to April 26, 2005

Supervisor Elsbernd, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

041277 **[Disapproving the categorical exemption issued for 1730-1750 Van Ness Avenue]**

Motion disapproving the determination by the Planning Department that the 1730-1750 Van Ness Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to April 26, 2005

Supervisor Elsbernd, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

041278 **[Preparation of findings related to the categorical exemption issued for 1730-1750 Van Ness Avenue]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 1730-1750 Van Ness Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to April 26, 2005

Supervisor Elsbernd, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

SPECIAL ORDER 4:00 P.M

050287 **[Public Hearing - Appeal of Final Mitigated Negative Declaration for 606-624 Divisadero Street and 1278 Hayes Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department, approving a Final Mitigated Negative Declaration (Case No. 2003.0807E) adopted and issued on November 29, 2004, for the proposed construction of two mixed-use buildings on Divisadero Street and one all-residential building on Hayes Street after demolition of an existing 12,000 gross-square-foot (gsf) building at 616 Divisadero Street, currently used as a church (currently a Baptist Church and before that the Harding Theater). The two proposed buildings on Divisadero Street would be identical 9,615 gsf, four-story, mixed-use buildings each with approximately 2,500 gsf of commercial use on portions of the first two levels, and four residential dwelling units on the remainder of the four floors. The proposed building on Hayes Street would be a 30,631 gsf, four-story building with 10 dwelling units on all four levels. The entire proposed project would include 18 dwelling units, 18 off-street parking spaces, and approximately 5,000 gsf of commercial space in three buildings that would each be four stories, approximately 46 feet in height. Off-street parking for all three buildings would be located in the Hayes Street building. The project site at 616 Divisadero Street (Assessor's Block 1202, Lot 002J) is an L-shaped lot with frontages on both Divisadero and Hayes Streets and is approximately 13,285 square feet. The project site is zoned NC-2 (Small-Scale Neighborhood Commercial and is within a 65-A height and bulk district. (Appellant: Arthur D. Levy of Levy, Ram & Olson LLP Attorneys representing Central City Progressives.)

(Appeal filed February 15, 2005; companion measure to Files 050288, 050289, 050290; District 5.)

Continued to April 12, 2005

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the negative declaration decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

050288 **[Finding mitigated negative declaration appeal of 606-624 Divisadero Street/1278 Hayes Street timely]**

Motion finding the appeal of the mitigated negative declaration issued on November 29, 2004, for 606-624 Divisadero Street/1278 Hayes Street timely filed. (Clerk of the Board)

Continued to April 12,2005

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

050289 **[Finding appeal of the mitigated negative declaration for 606-624 Divisadero Street/1278 Hayes Street untimely]**

Motion finding the appeal of the negative declaration issued on November 29, 2004 for 606-624 Divisadero Street/1278 Hayes Street not timely filed. (Clerk of the Board)

Continued to April 12,2005

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

050290 **[Preparation of findings related to the timeliness of the mitigated negative declaration appeal for 606-624 Divisadero Street/1278 Hayes Street]**

Motion directing the Clerk of the Board to prepare findings related to the timeliness of the mitigated negative declaration appeal for 606-624 Divisadero Street/1278 Hayes Street. (Clerk of the Board)

Continued to April 12,2005

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

(Only one of the following two motions should be adopted.)

050400 **[Affirm approval of the mitigated negative declaration for 606-624 Divisadero Street/1278 Hayes Street]**

Motion affirming Planning Department adoption of the mitigated negative declaration for 606-624 Divisadero Street/1278 Hayes Street. (Clerk of the Board)

Continued to April 12, 2005

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

050401 **[Reversing approval of the negative declaration for 606-624 Divisadero Street/1278 Hayes Street]**

Motion reversing the Planning Department approval of the mitigated negative declaration for 606-624 Divisadero Street/1278 Hayes Street. (Clerk of the Board)

Continued to April 12, 2005

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

050402 **[Preparation of findings to reverse approval of the mitigated negative declaration for 606-624 Divisadero Street/1278 Hayes Street]**

Motion directing the Clerk of the Board to prepare findings reversing the Planning Department's approval of the mitigated negative declaration for 606-624 Divisadero Street/1278 Hayes Street. (Clerk of the Board)

Continued to April 12, 2005

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

050087 **[14. Public Hearing - Conditional Use Appeal for 606-624 Divisadero Street and 1278 Hayes Street]**

Hearing of persons interested in or objecting to the Planning Commission by its Motion No. No.16921 dated December 9, 2004, approving Conditional Use Application No. 2003.0807CEK, subject to certain conditions, allowing the development of a lot greater than 9,999 square feet and the creation of parking in amounts greater than accessory on a lot in an NC-2 (Small Scale Neighborhood Commercial) District and a 65-A Height and Bulk District, on property located at 606-624 Divisadero Street and 1278 Hayes Street, northeast corner of Divisadero and Hayes Streets; Lot 002J, Assessor's Block 1202. (Appellant: David Tornheim, representing the Central City Progressives.)

(Filed 1/10/05; companion measure to Files 050087, 050088, 050089, 050090, 050091; District 5.)

Continued to April 12, 2005

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the conditional use application decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

050088 **[Appeal, Conditional Use - 606-624 Divisadero Street and 1278 Hayes Street]**

Motion approving decision of the Planning Commission by its Motion No. 16921, approving Conditional Use Application 2003.0807CEK on property located at 606-624 Divisadero Street and 1278 Hayes Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Continued to April 12, 2005

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

050089 **[Appeal, Conditional Use - 606-624 Divisadero Street and 1278 Hayes Street]**

Motion disapproving decision of the Planning Commission by its Motion No. 16921, approving Conditional Use Application 2003.0807CEK on property located at 606-624 Divisadero Street and 1278 Hayes Street. (Clerk of the Board)

Continued to April 12, 2005

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

050090 **[Findings - 606-624 Divisadero Street and 1278 Hayes Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional use Application No. 2003.0807CEK on property located at 606-624 Divisadero Street and 1278 Hayes Street, for action by the Board at its next meeting. (Clerk of the Board)

Continued to April 12, 2005

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin

Absent: 1 - Sandoval

050091 **[Environmental Review - 606-624 Divisadero Street and 1278 Hayes Street]**

Motion certifying review of Final Negative Declaration relating to proposed Conditional Use of Property at 606-624 Divisadero Street and 1278 Hayes Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Continued to April 12, 2005

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

COMMITTEE REPORTS

050318 **[Appointment, Public Utilities Commission - Ann Moller Caen]** **Mayor**

Motion approving the Mayor's appointment of Ann Moller Caen to the Public Utilities Commission, for the term ending January 15, 2009.

Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date - February 18, 2005.

Enacted Number: M05-34

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

Pursuant to the Board of Supervisors Rule No. 3.9

Supervisor Mirkarimi provided the Board an update on LAFCo on which he represents the Board of Supervisors.

Supervisor Ammiano provided the Board an update on the Metropolitan Transportation Commission on which he represents the Board of Supervisors.

Supervisor McGoldrick provided the Board updates on California State Association of Counties and Bay Area Air Quality Management District

Board.

PUBLIC COMMENT

Abdullah Megaheed; showed interest in homeless issues

Jean Lynch; expressed gratitude to the Board members for finding housing for a citizen

James Chaffee; expressed interest in SF Library

Female speaker from Alice Griffith Housing; expressed concern with Police brutality

Ernestine Weiss; expressed concern regarding Police staffing

John; expressed concern regarding verbal violence in society

Mary T. Blatten; expressed concern over the suicides committed off the Golden Gate Bridge

Kathy Morgan Clark, Local 9410; expressed concern of SBC relocation of jobs

John Hronowski; expressed concern of SBC relocation of jobs

Denie Senhaux; expressed concern of SBC relocation of jobs

Eve Myer; SF Suicide Prevention; expressed concern over the suicides committed off the Golden Gate Bridge

Jo Ann Walls; expressed concern of SBC relocation of jobs

Male Speaker; expressed concern of SBC relocation of jobs

Male Speaker; expressed concern of the condition of a statue in Golden Gate Park

President of Local 9410, expressed concern of SBC relocation of jobs

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

050360 [San Francisco's First Annual Spring Cleaning Supervisors Alioto-Pier,

Day] Elsbernd

Resolution declaring Saturday, March 19, 2005 as San Francisco's First Annual Spring Cleaning Day.

Supervisor Elsbernd requested to be added as a co-sponsor.

Enacted Number: 185-05

ADOPTED

050361 **[Zoning - Extension of Planning Commission Review Period]** **Supervisor Ammiano**

Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the Planning Code to define a single room occupancy unit as a unit that is affordable to very low income or extremely low income households.

Enacted Number: 184-05

ADOPTED

050364 **[Urging the Social Security Administration to Refrain from Closing the Western Addition Field Office]** **Supervisor Mirkarimi**

Resolution urging the Social Security Administration to refrain from closing the Western Addition Social Security Office.

Enacted Number: 198-05

ADOPTED

050385 **[Supporting Assembly Bill 1147 - California Industrial Hemp Farming Act]** **Supervisor Mirkarimi**

Resolution urging the California Assembly and Senate and the Governor of California to support Assembly Bill 1147 (AB1147), introduced by Assemblyman Mark Leno, the "The California Industrial Hemp Farming Act".

Enacted Number: 204-05

ADOPTED

050387 **[Commending Kathy Thomas-Perry]** **Supervisor Maxwell**

Resolution commending Kathy Thomas-Perry for her dedication, commitment to and leadership of the San Francisco Asthma Task Force.

Enacted Number: 177-05

ADOPTED

050388 **[Supporting Fair Wages and Working Conditions for All UCSF Workers]** **Supervisors McGoldrick, Mirkarimi, Ammiano, Sandoval**

Resolution supporting fair wages and working conditions for all UCSF workers.

Supervisor Sandoval requested to be added as a co-sponsor.

Enacted Number: 203-05

ADOPTED

050391 **[Supporting Senate Bill 169]** **Supervisors Peskin, Alioto-Pier**

Resolution expressing support for Senate Bill 169, introduced by Senator Carole Migden, and urging the California State Legislature and Governor to support this measure.

Enacted Number: 207-05

ADOPTED

050392 **[Greek Independence Day in San Francisco]** **Supervisors Ma, Mirkarimi, Elsbernd, Sandoval**

Resolution declaring March 25, 2005 as "Greek Independence Day" in the City and County of San Francisco.

Supervisors Elsbernd and Sandoval requested to be added as co-sponsors.

Enacted Number: 183-05

ADOPTED

050393 **[United Irish Cultural Center 30th Anniversary]** **Supervisors Ma, Elsbernd, Mirkarimi, Ammiano**

Resolution commending the 30th Anniversary of the United Irish Cultural Center.

Supervisor Ammiano requested to be added as a co-sponsor.

Enacted Number: 182-05

ADOPTED

050394 **[Commending Preschool California]** **Supervisor Ma**

Resolution commending Preschool California's efforts in building momentum toward increasing access to quality preschool to all 4-year-olds in California.

Enacted Number: 202-05
ADOPTED

050395 [Mission of Laguna Honda Hospital] Supervisors Elsbernd, Peskin, Mirkarimi, Ma

Resolution urging the Executive Staff of Laguna Honda Hospital to amend the recently revised mission of LHH to include "long term care" as one of the goals of the hospital, and to publicly consult with the Mayor and the Board of Supervisors before any additional changes are made to either the mission or the admissions policy of Laguna Honda Hospital.

Supervisor Ma requested to be added as a co-sponsor.

Enacted Number: 201-05
ADOPTED

050396 [Laguna Honda Quarterly Statistics Report] Supervisors Elsbernd, Peskin, Mirkarimi, Ma

Resolution urging the Executive Administrator of Laguna Honda Hospital and Rehabilitation Center to provide, on a quarterly basis, admissions statistics for Laguna Honda Hospital detailing age, ethnicity, and referral information.

Supervisor Ma requested to be added as a co-sponsor.

Enacted Number: 200-05
ADOPTED

050397 [Declaring March 11, 2005 to be Sylvester Day] Supervisors Dufty, Ammiano

Resolution declaring March 11, 2005 to be Sylvester Day.

Enacted Number: 181-05
ADOPTED

050398 [Declaring March 15, 2005 to be Drug Court Day] Supervisors Dufty, Ma

Resolution declaring March 15, 2005 to be Drug Court Day.

Supervisor Ma requested to be added as a co-sponsor.

Enacted Number: 180-05
ADOPTED

050399 [Commending Sydney Gurewitz Clemens] Supervisor Dufty

Resolution commending Sydney Gurewitz Clemens.

Enacted Number: 179-05
ADOPTED

050325 [Final Map for a 19 Unit Live Work Condominium Project - 1050 17th Street]

Motion approving Final Map of 1050 17th Street, A Live Work Condominium Project, being a subdivision of Lot 2A in Assessor's Block No. 3948, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 175,212; District 6.)

Enacted Number: M05-35
APPROVED

050326 [Final Map for a 5 Unit Residential Condominium Project - 362-362A-364-364A-366 Sanchez Street]

Motion approving Final Map of 362-362A-364-364A-366 Sanchez Street, A Residential Condominium Project, being a subdivision of Lot 14 in Assessor's Block No. 3564, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 175,233; District 8.)

Enacted Number: M05-36
APPROVED

050331 [Needle Exchange Emergency] **Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty, Mirkarimi**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Enacted Number: M05-37
APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed from Without Committee Reference Agenda

Supervisor Elsbernd requested that these matters be severed so that they might be considered separately.

050362 [Supporting Golden Gate Bridge Suicide Barrier] **Supervisors Ammiano, Maxwell, Mirkarimi, Alioto-Pier, Daly, Dufty, McGoldrick, Peskin**

Resolution supporting the need for a suicide barrier on the Golden Gate Bridge to protect the public's health and safety and further urging the Golden Gate Bridge Board Directors to proceed with the design and consultation of a suicide barrier.

Continued to March 22, 2005

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

050363 [Full-funding for Wages Plus Program in FY 04/05 and FY 06/07] **Supervisors Daly, Ma, Peskin, Ammiano**

Resolution urging Mayor to fully fund the Wages Plus Program to ensure that eligible child care providers who have sought approved training and educational units can receive wage increases in FY 04/05 and FY 05/06 as prescribed by the program.

Supervisor Ammiano requested to be added as a co-sponsor.

REFERRED to the Budget and Finance Committee.

050386 [Ethics Investigation Disclosure] **Supervisor Mirkarimi**

Resolution urging the Ethics Commission to unseal and redact records related to the settlement of the case involving late reporting of contributions against Proposition D of 2002.

REFERRED to the Rules Committee.

Supervisor McGoldrick requested that this matter be severed so that it might be considered separately.

050390 [Opposing H.R. 298] **Supervisors Peskin, Ammiano, Daly, Elsbernd**

Resolution opposing H.R. 298, a bill sponsored by Rep. Richard Pombo to require the Secretary of the Interior to provide public access to the Farallon National Wildlife Refuge.

Continued to April 19, 2005

Supervisor Elsbernd requested to be added as a co-sponsor.

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding.Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Serious Injury Finding] Motion that the Board find that for the resolution (s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding] Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Sandoval, seconded by Supervisor McGoldrick, moved ADOPTION of the Commendatory Finding. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Elsbernd, Ma

[Brown Act Finding] Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Sandoval, seconded by Supervisor McGoldrick, moved ADOPTION of the Brown Act Finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

050429 **[Asking the Mayor and the Mayor's Office of Protocol to fly the flag of the United States at half-staff]** **Supervisor Mirkarimi**

Resolution asking the Mayor and the Mayor's Office of Protocol to fly the flag of the United States at half-staff on March 19, 2005 to honor those who have lost their lives in the war on Iraq.

Supervisor Alioto-Pier, seconded by Supervisor Mirkarimi, moved to amend by replacing the word "urging" with "asking".

Motion to amend carried without objection.

Enacted Number: 199-05

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Sandoval noted absent at 4:30 p.m.

[Purely Commendatory Finding] Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved ADOPTION of the Commendatory Finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

[Brown Act Finding] Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved ADOPTION of the Brown Act Finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

050430 **[Commending Barry Hermanson]** **Supervisors Mirkarimi, Ma, Dufty**

Resolution commending Barry Hermanson for 25 years of service to San Francisco through the operation of a socially responsible business and declaring March 17, 2005 Barry Hermanson Day in the City and County of San Francisco.

Enacted Number: 178-05

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

050355 [Lobbyist Ordinance] — **Supervisors Ma, Mirkarimi**

Ordinance amending the Lobbyist Ordinance, Article II, Chapter 1 of the Campaign and Governmental Conduct Code, by adding a new section 2.118 to require persons who do not qualify as lobbyists but who are paid to provide testimony, or pay someone else to provide testimony, at a public hearing of the City and County to disclose the source of the payment.

3/1/05, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 3/31/2005.

3/15/05, SUBSTITUTED. Supervisor Ma submitted a substitute ordinance, correcting a minor clerical error in the title.

3/15/05, ASSIGNED to Rules Committee.

050349 [Bicycle Plan Policy Framework adoption and related General Plan amendments] — **Mayor, Supervisors McGoldrick, Mirkarimi**

Ordinance amending the San Francisco General Plan in connection with the San Francisco Bicycle Plan: Policy Framework; adopting environmental findings and findings that the General Plan amendment is consistent with the General Plan and eight priority policies of Planning Code Section 101.1; adopting the Bicycle Plan: Policy Framework; and authorizing official acts in connection thereto.

3/1/05, RECEIVED AND ASSIGNED to Land Use Committee. 3/3/05, Supervisor Mirkarimi asked to be added as cosponsor.

3/7/05, REFERRED TO DEPARTMENT. Referred to Planning Department and Department of Parking and Traffic for review and comment.

3/8/05, REFERRED TO DEPARTMENT. Referred to Small Business Commission for review and comment.

3/15/05, SUBSTITUTED. The Mayor submitted a substitute ordinance bearing new title.

3/15/05, ASSIGNED to Land Use Committee.

050423 [Expanding the First Source hiring program to apply to contract amendments] — **Supervisor Peskin**

Ordinance amending the San Francisco Administrative Code by amending sections 83.2, 83.4, 83.6, 83.11, and 83.18 to (1) expand the definition of "contract" to include "contract amendments;" (2) to define "contract amendments;" and (3) to correct certain grammatical and typographical errors.

3/15/05, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 4/14/2005.

050426 **[Reenacting a Disadvantaged Business Enterprise Program]** **Supervisor Ammiano**

Emergency Ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

3/15/05, ASSIGNED to Board of Supervisors.

050431 **[To re-appropriate bond sales proceeds from 3 capital projects, funded by General Obligation Bonds; and to re-appropriate the bond sales proceeds from 11 projects, funded by Lease Revenue** **Mayor**

Ordinance re-appropriating $15,964,440 from 3 large capital projects within the 2000 Neighborhood Recreation and Park Facilities Improvement General Obligation Bond to fund the improvement and construction of parks and open space for 11 neighborhood park projects within the Lease Revenue Bond Capital Program. Projects include Rossi Playground, Fay Park Garden, SOMA Park, Junipero Serra Playground/Clubhouse, Sunnyside Playground/Clubhouse, Sunnyside Conservatory, Rolph Park Clubhouse, Herz Playground/Coffman Pool, Visitacion Greenway Senior Park, Moscone Recreation Center and St. Mary's Playground; and

Re-appropriating $15,964,440 from 11 various projects within the Lease Revenue Bond Capital Program to fund the improvement and construction of parks and open space for 3 large capital projects within the 2000 Neighborhood Recreation and Park Facilities Improvement General Obligation Bond program; Moscone Recreation Center - Phase I, Chinese Recreation Center and Larsen Sava Pool.

(Fiscal impact.)

3/15/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050433 **[Zoning - North Beach Neighborhood Commercial District]** **Supervisor Peskin**

Ordinance amending the Planning Code to amend sections 121.2, 178, 186.1, 722.21, and 722.46 concerning use size limitation and their relationship to subsequent new uses in the North Beach Neighborhood Commercial District; to amend sections 186.2, 604, and 722.42 to address antiquated provisions concerning specified signs and uses in the North Beach Neighborhood Commercial District; to amend 722.10 to delete provisions superceded by Ordinance No. 20-88; and to make conforming changes to the chart titled "Specific Provisions for the North Beach Neighborhood Commercial District" in Section 722; making findings of consistency with the General Plan and priority policies of the Planning Code Section 101.1; and making environmental findings.

3/15/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 4/14/2005.

050434 **[Establishing Graffiti Violation Rewards and Clarifying Uses of Littering and Nuisance Reward** **Supervisor Ma**

Fund Monies]

Ordinance amending the San Francisco Administrative Code by amending Section 10.100-234, the Public Works Littering and Nuisance Violation Reward Fund, to reward persons who have provided information leading to the arrest and conviction of persons under California Penal Code Sec. 594 for graffiti vandalism and to clarify uses of fund where a reward is inapplicable or unclaimed.

3/15/05, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 4/14/2005.

050437 **[Giving the Landmarks Preservation Board more time to review landmark designations]** **Supervisors Alioto-Pier, Peskin**

Ordinance amending Planning Code Section 1004.2 to allow the Landmarks Preservation Advisory Board sixty (60) days, rather than thirty (30) days, in which to review and report to the San Francisco Planning Commission on proposed landmark designations.

3/15/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 4/14/2005.

050456 **[Planning Code - Section 311 Notification]** **Supervisor McGoldrick**

Ordinance amending the San Francisco Planning Code by amending Section 311 to clarify that the project notification requirements apply to building permits for demolition and change in the number of dwelling units as well as to building permits for new construction and alteration and to require that the notification package sent to neighboring property owners include specified information; adopting environmental findings and findings pursuant to Planning Code Section 302.

3/15/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 4/14/2005.

Resolutions

050432 **[Grant of Federal Funds]** **Mayor**

Resolution authorizing the Municipal Transportation Agency Board to accept and expend $9,200,000 of Federal Formula Section 5307 Capital Assistance for the purchase of an Overhead Lines Maintenance Facility and for required renovations to the property, excluding administrative overhead costs.

3/15/05, RECEIVED AND ASSIGNED to Land Use Committee.

050435 **[Rejecting the Mayor's Offer of a Conditional Waiver]** **Supervisor Daly**

Resolution rejecting the Mayor's offer of a conditional waiver to San Francisco Cycling, LLC for the cost of police services.

(Fiscal impact.) (Supervisor Elsbernd dissenting in Committee.)

3/15/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050438 **[Designating the Visitacion Valley Survey Area]** **Supervisor Maxwell**

Resolution designating the Visitacion Valley Survey Area within the City and

County of San Francisco pursuant to the California Community Redevelopment Law.

3/15/05, RECEIVED AND ASSIGNED to Land Use Committee.

050439 **[Visitacion Valley Strategic Concept Plan]** **Supervisor Maxwell**

Resolution supporting use of the Visitacion Valley Strategic Concept Plan in all planning efforts in Visitacion Valley; urging consideration of this Plan in applicable environmental analyses; and urging affected property owners to embrace the Plan as part of any development proposal and to collaborate with community stakeholders throughout the development process.

3/15/05, RECEIVED AND ASSIGNED to Land Use Committee.

050440 **[Letter of Protest against Approval of Proposed PG&E Power Purchase Agreement]** **Supervisors Ammiano, Mirkarimi**

Resolution approving a Protest Letter to the California Public Utilities Commission and the Procurement Review Committee regarding approval of proposed Pacific Gas & Electric Power Purchase Agreements.

3/15/05, RECEIVED AND ASSIGNED to Land Use Committee.

050462 **["Breakfast in the Classroom" Program]** **Supervisor Maxwell**

Resolution urging the San Francisco Unified School District to implement alternative school breakfast programs such as "Breakfast in the classroom" for the next school year.

3/15/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 03/23/05 - Referred to Youth Commission for comment.

050464 **[Accessible Web Sites]** **Supervisors Alioto-Pier, Ma, Daly**

Resolution adopting the Mayor's Office on Disability and DTIS Web Site Accessibility Initiatives.

3/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050465 **[Initiate the Designation of 2151 Van Ness Avenue, St. Brigid Church, as a Landmark]** **Supervisors Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Ma**

Resolution initiating the designation of 2151 Van Ness Avenue, St. Brigid Church, Block 0575, Lot 015, as a landmark pursuant to Section 1004.1 of the Planning Code.

3/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050466 **[Shore-to-Shore Bicycle-Pedestrian-Maintenance Pathway]** **Supervisors Ammiano, Daly, Mirkarimi, Alioto-Pier, Dufty**

Resolution urging the California State Legislature and Metropolitan Transportation Commission to include funding for the West Span Bicycle-

Pedestrian-Maintenance Pathway as part of any revenue plan, including a toll increase, intended to pay for the cost overruns related to the East Span replacement project.

3/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050467 **[Oscar Anulfo Romero Remembrance Day]** **Supervisor Ammiano**

Resolution declaring March 24, 2005 as Archbishop Oscar Anulfo Romero Remembrance Day in the City and County of San Francisco.

3/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050468 **[Victoria Manalo Draves Park]** **Supervisor Daly**

Resolution urging the Recreation and Park Commission to name the new park that is to be built in the old Bessie Carmichael Elementary School site (on Sherman and Folsom) as Victoria Manalo Draves Park.

3/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050469 **[Commending LeVella Johnson]** **Supervisor Dufty**

Resolution commending LeVella Johnson for her 35 years of loyal service to the City and County of San Francisco.

3/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050470 **[DCYF Community Needs Assessment]** **Supervisor Ma**

Resolution approving the Community Needs Assessment developed by the Department of Children, Youth and their Families in accordance with Section 16.108 of the San Francisco Charter.

3/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050471 **[Opposing Tolls for Bicycle and Pedestrian Access on Golden Gate Bridge]** **Supervisor Mirkarimi**

Resolution urging Golden Gate Bridge, Highway, and Transportation District not to levy tolls for bicycling and walking on the Golden Gate Bridge.

3/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050472 **[Approving Protest Letter to the California PUC and the Procurement Review Committee Regarding Approval of Proposed PG&E Power Purchase Agreements and Energy Efficiency Programs]** **Supervisor Mirkarimi**

Resolution approving a Protest Letter to the California Public Utilities Commission and the Procurement Review Committee regarding approval of proposed Pacific Gas & Electric Power Purchase Agreements and Energy Efficiency Programs.

3/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050473 **[Accept-Expend State Grant]** **Supervisor Mirkarimi**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $112,000 from the California Department of Conservation for the implementation of an Away From Home Recycling Project in the City and County of San Francisco.

3/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050474 **[Endorsing and welcoming the American Friends Service Committee's Eyes Wide Open Exhibit]** **Supervisors Mirkarimi, Daly**

Resolution endorsing and welcoming the American Friends Service Committee's Eyes Wide Open Exhibit to the City and County of San Francisco March 25-27, 2005.

3/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050476 **[Arbor Day in San Francisco]** **Supervisor Peskin**

Resolution declaring March 12, 2005 Arbor Day in San Francisco.

3/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050477 **[Commending Commissioner Millard Larkin II]** **Supervisor Maxwell**

Resolution commending Commissioner Millard Larkin II for his years of service on the Southeast Community Facility Commission.

3/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050363 **[Full-funding for Wages Plus Program in FY 04/05 and FY 06/07]** **Supervisors Daly, Ma, Peskin, Ammiano**

Resolution urging Mayor to fully fund the Wages Plus Program to ensure that eligible child care providers who have sought approved training and educational units can receive wage increases in FY 04/05 and FY 05/06 as prescribed by the program.

3/1/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

3/15/05, REFERRED to Budget and Finance Committee. Supervisor Ammiano requested to be added as a co-sponsor.

050386 **[Ethics Investigation Disclosure]** **Supervisor Mirkarimi**

Resolution urging the Ethics Commission to unseal and redact records related to the settlement of the case involving late reporting of contributions against Proposition D of 2002.

3/1/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

3/15/05, REFERRED to Rules Committee.

Requests for Hearing

050425 [Hearing - Emergency Ordinance reenacting a Disadvantaged Business Enterprise Program]

Hearing to consider the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency. (Clerk of the Board)

3/15/05, ASSIGNED to Board of Supervisors. Pursuant to File 050426, Board to sit as a Committee of the Whole on March 29, 2005, at 4:00 p.m.

050441 [Non-Profit Agencies] Supervisor Ammiano

Hearing to inquire into the compliance of Non-Profit agencies that contract with the City and County of San Francisco with the Non-Profit Public Access Ordinance.

3/15/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050442 [Helicopters] Supervisor Ammiano

Hearing to inquire into the local regulation of helicopters flying over residential neighborhoods and to inquire into the policy measures adopted and practiced by news agencies that utilize helicopters to ensure public safety and mitigate noise pollution.

3/15/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

050443 [Mayor's Budget Plan] Supervisor Ammiano

Hearing to review the Mayor's most recent budget plan, the Mayor's planned and current spending changes to address the City's current budget deficit.

3/15/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050444 [Slip-resistant Manhole Covers on Sidewalks] Supervisor Peskin

Hearing to review implementation of the recently adopted ordinance requiring slip-resistant manhole covers on sidewalks in San Francisco.

3/15/05, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

050445 [San Francisco's Civil Service and Human Resource Systems] Supervisor Peskin

Hearing to examine civil service reform efforts in other jurisdictions and discuss current efforts to review and improve San Francisco's civil service and human resource systems.

3/15/05, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

050446 [San Francisco's Vehicle Fleet Management System] Supervisor Peskin

Hearing to review implementation of San Francisco's vehicle fleet management system.

3/15/05, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

050447 **[Street Resurfacing and Sub-surface Repair Work]** **Supervisor Peskin**

Hearing to examine coordination between various City departments, including the Public Utilities Commission, Department of Public Works and Department of Parking and Traffic, in regards to street resurfacing and sub-surface repair work.

3/15/05, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

050448 **[2005 Budget Analyst Audit of PUC Hetch Hetchy Fund and Water Enterprise Fund]** **Supervisor Peskin**

Hearing on recommendations of the Budget Analyst contained in the recent audit of PUC's Hetch Hetchy Fund and Water Enterprise Fund.

3/15/05, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee. 4/6/05 - Letter sent to General Manager, PUC requesting joint reports with Treasure Island Development regarding the Phase III Management Audit. Copies of correspondence sent to Members, Government Audit and Oversight Committee, Budget Analyst, Legislative Analyst and Executive Director Treasure Island Development Authority.

050449 **[Status of Assessment Appeals]** **Supervisor Daly**

Hearing on the status of pending assessment appeals filed at the Assessor's Office and pending before the Assessment Appeals Board with emphasis on large aggregate appeals from commercial property and residential apartment property owners.

3/15/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050450 **[Service Needs for Children and Youth]** **Supervisor Daly**

Hearing on overall service needs for children and youth in District 6 with special emphasis on youth services in the Tenderloin and South of Market areas.

050451 **[Recreation Centers]** **Supervisor Dufty**

Hearing with the Department of Recreation and Parks, the Department of Children, Youth and Their Families and other interested parties to look at opportunities to collaborate and increase the vibrancy of Recreation Centers.

3/15/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 03/23/05 - Referred to Youth Commission for comment.

050452 **[Status of Laguna Honda Rebuild Project]** **Supervisor Elsbernd**

Hearing request for the Laguna Honda Management team to present on the status of the rebuild project and also asking the Controller to present findings on the suggested next steps.

3/15/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050453 **[Program Opportunities for Out-of-School-Youth]** **Supervisor Ma**

Hearing to identify potential summer program opportunities for out-of-school-youth.

3/15/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 03/23/05 - Referred to Youth Commission for comment.

050454 **[Security Breaches at the Port, Golden Gate and Bay Bridges]** **Supervisor Alioto-Pier**

Hearing in closed session with the S.F. Chief of Police to discuss security breaches at the Port of San Francisco, at the Golden Gate Bridge and the Bay Bridge, requested pursuant to the S.F. Sunshine Ordinance 1999 Rule 67.10(a) Closed Session: Permitted Topics.

3/15/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 03/23/05 - Referred to Police Department for comment.

Motions

050422 **[Needle Exchange Emergency]** **Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

3/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050424 **[Extending Time for Labor Negotiations to June 30, 2005]** **Supervisor Elsbernd**

Motion extending time for labor negotiations to June 30, 2005, pursuant to Charter Section 11.100.

3/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050428 **[Emergency Disadvantaged Business Enterprise Program - March 29, 2005, Committee of the Whole]** **Supervisor Ammiano**

Motion for the Board of Supervisors to convene as a committee of the whole on March 29, 2005, at 4:00 p.m. to accept public testimony concerning the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

3/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050436 **[Clerk of the Board to file inactive Charter Amendments]** **Supervisor Alioto-Pier**

Motion amending Rule 5.37 of the Rules of Order of the Board to require the Clerk of the Board to file proposed Charter Amendments that have not been submitted to the voters by the Board for the next election.

3/15/05, RECEIVED AND ASSIGNED to Rules Committee.

050463 **[Closed Session - Existing Litigation, Potential Litigation]** **Supervisor Ammiano**

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following bankruptcy matter (Chapter 11) in which the City and County of San Francisco is an active participant, and to consider the possibility of affirmative litigation in light of the status of the bankruptcy matter listed below:

Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1) and (2) permit this closed session. Discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the pending lawsuit listed below.

In Re: PACIFIC GAS AND ELECTRIC COMPANY, Debtor
U. S. Bankruptcy Court, Northern District of California, No. 01-30923 DM
Federal I. D. No. 94-0742640
Date Filed: 4/6/01

3/15/05, ASSIGNED to Board of Supervisors. Scheduled for Board consideration March 29, 2005.

050455 **[Legislative Analyst Request - Report on Current Restorative Justice Practices]** **Supervisor Dufty**

Motion requesting the Legislative Analyst to research and prepare an in-depth report on current restorative justice practices within the City and County of San Francisco and identifying best practices from other municipalities.

3/15/05, ASSIGNED to Board of Supervisors. Scheduled for Board consideration March 22, 2005.

050475 **[Rescheduling the April 5, 2005 Board meeting to 10:00 am]** **Supervisor Peskin**

Motion rescheduling the April 5, 2005 regular meeting of the Board of Supervisors to begin at 10:00 a.m. in the Board Chamber in City Hall on that day.

3/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES

050328 **[Settlement of Lawsuit - Mary Jane Gregory]**

Ordinance authorizing settlement of the lawsuit filed by Mary Jane Gregory against the City and County of San Francisco for $30,000.00; the lawsuit was filed on February 13, 2003 in the San Francisco Superior Court, Case No.

417384; entitled Mary Jane Gregory v. City and County of San Francisco, et al.

2/28/05, RECEIVED AND ASSIGNED to Rules Committee.

050329 [Parking Permits]

Ordinance amending San Francisco Traffic Code sections 308, 308.1, 308.3, and repealing section 314, to: clarify the requirements for issuance of Residential Parking Permits; increase parking permit fees for Residential Parking Permits and Health Care Worker Permits to sixty dollars ($60) if purchased in the first six months of the permit year or thirty dollars ($30) if purchased in the last six months of the permit year; increase Educational Institution Permits to sixty dollars ($60) for each permit regardless of the date of purchase or repurchase; increase temporary parking permit fees for Residential Parking Permits to twenty dollars ($20) for each week for up to four weeks or forty dollars ($40) for a four week permit; increase visitor parking permit fees for Residential Parking Permits to five dollars ($5) per day, twenty dollars ($20) for two consecutive weeks, thirty dollars ($30) for three consecutive weeks, forty dollars ($40) for six consecutive weeks, or fifty dollars ($50) for eight consecutive weeks; and, delete previous permit fee amounts. (Municipal Transportation Agency)

3/4/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050370 [Parking Meter Rates]

Ordinance amending the San Francisco Traffic Code by amending Section 203.1 to increase the rate for parking meters in Parking Meter Area Number One to three dollars ($3.00) an hour, by amending Section 203.2 and 203.4 to increase the rate for parking meters in Parking Meter Areas Numbers Two and Four to two dollars and fifty cents ($2.50) an hour, and by amending Section 203.3 to increase the rate for parking meters in Parking Meter Area Number Three to two dollars ($2.00) an hour. (Municipal Transportation Agency)

3/4/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050371 [Contractor Permit Fee]

Ordinance amending San Francisco Traffic Code section 202.C to add a provision that contractor permits may be issued for six consecutive months that begin on December 1st, to delete a provision that no more than five additional contractor permits may be issued to any contractor who is not eligible to apply for exclusive temporary use of parking meter zones, and to increase the contractor parking permit fee from $325 to $500 if purchased in the first six months of the year and from $225 to $250 if purchased in the last six months of the permit year. (Municipal Transportation Agency)

3/4/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050372 [Parking Fine Penalty Schedule]

Ordinance amending San Francisco Traffic Code section 132 to increase penalties for various parking related violations, and to correct the penalties for Vehicle Code sections 22523A and 22523B by decreasing the penalties to $200 and section 22526B by decreasing the penalty to $100. (Municipal Transportation Agency)

3/4/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

PROPOSED RESOLUTIONS

050322 **[Authorizing extension of the Emergency Interim Towing Services Agreement]** **Mayor**

Resolution authorizing the Director of Transportation of the Municipal Transportation Agency to enter into a contract amendment extending the term of the Emergency Interim Service Agreement and Property Use License for Towing, Storage and Disposal of Abandoned and Illegally Parked Vehicles by and Between the City and County of San Francisco and TEGSCO, LLC, d.b.a. San Francisco AutoReturn until July 30, 2005 or until a long-term towing services agreement is executed, whichever occurs first. (Parking and Traffic Department)

2/24/05, RECEIVED AND ASSIGNED to Budget and Finance Committee. Department requests this matter be calendared at the March 17, 2005 meeting.

050330 **[Contract between DPH and Triage Consulting Group to provide retroactive claiming of aged accounts services]**

Resolution authorizing the Director of Public Health and the Director of the Office of Contract Administration/Purchaser to continue a contract between the City and County of San Francisco and Triage Consulting Group to provide retroactive claiming of aged accounts services for the period of July 1, 2004 through June 30, 2008. (Public Health Department)

2/22/05, RECEIVED AND ASSIGNED to Budget and Finance Committee. Department requests this matter be calendared at the March 10, 2005 meeting.

050378 **[Traffic Regulations - Bike Lanes]**

Resolution enacting bike lanes on Fulton Street.

BIKE LANES - ESTABLISH
Fulton Street, both directions, from Baker Street to Octavia Street. (Municipal Transportation Agency)

(See hard copy for environmental review determination.)

3/4/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 3/28/05 - Advertised in the 4/6/05 edition of the SF Chronicle.

050379 **[Traffic Regulations]**

Resolution enacting bike lanes and other traffic regulations on Oakdale Avenue.

BIKE LANES - ESTABLISH
Oakdale Avenue, both directions, from Bayshore Boulevard to Selby Street.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Oakdale Avenue, northside, from Selby Street to 175' easterly.
Oakdale Avenue, southside, from Patterson Street to 100' east of Loomis Street.

LEFT LANE MUST TURN LEFT - ESTABLISH
Oakdale Avenue, eastbound, approaching Selby Street. (Municipal Transportation Agency)

(See hard copy for environmental review determination.)
3/4/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 3/28/05 - Advertised in the 4/6/05 edition of the SF Chronicle.

050403 [Parking Regulations]
Resolution enacting and rescinding parking regulations at various locations.

RESIDENTIAL PERMIT PARKING AREA "V" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Eastwood Drive, both sides, between Miramar Avenue and San Ramon Way (Unit block).

NO PARKING ANYTIME - RESCIND
TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Putman Street, east side, between Crescent and Tompkins Avenues.

NO PARKING ANYTIME - RESCIND
TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Stevenson Street, south side, between 2nd and New Montgomery Streets.

ONE HOUR PARKING TIME LIMIT, 7 AM TO 6 PM, MONDAY THROUGH SATURDAY - ESTABLISH
PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
Alabama Street, west side, from 15th Street to 100 feet northerly.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Key Avenue, both sides, south of the south property line of 946 Key Avenue and along southern terminus.

NO PARKING ANYTIME - ESTABLISH
Prentiss Street, east side, from Chapman Street to 100 feet northerly.

DIAGONAL (45-DEGREE ANGLE) PARKING - ESTABLISH
Castro Street, east side, between 25th and Jersey Streets (6-month trial).

PARKING METER AREA NO. 1, 30-MINUTE PARKING TIME LIMIT - RESCIND
PARKING METER AREA NO. 1, 2-HOUR PARKING TIME LIMIT - ESTABLISH
Washington Street, both sides, from The Embarcadero to Davis Street.

PARKING METER AREA NO. 1, 30 MINUTE PARKING TIME LIMIT - RESCIND
PARKING METER AREA NO. 1, 2-HOUR PARKING TIME LIMIT - ESTABLISH
Drumm Street, from Washington to Clay Streets.

PARKING METER AREA NO. 1, 30 MINUTE PARKING TIME LIMIT - RESCIND
PARKING METER AREA NO. 1, 2-HOUR PARKING TIME LIMIT - ESTABLISH
Clay Street, from Drumm Street to Davis Street.

TOW-AWAY, NO PARKING ANYTIME - EXTENSION
1300 block of DeHaro Street, west side of median wall, from the projection of the northerly boundary line of #1351-1355 DeHaro Street to 4 feet

northerly (4-foot extension).

RESIDENTIAL PERMIT PARKING AREA "I" (2-HOUR TIME LIMIT, 9 AM - 8 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Shotwell Street, both sides, between 25th and 26th Streets (1100 block) (increases the time limit from 1-Hour to 2 Hours).

TOW-AWAY NO STOPPING, 4 PM - 6 PM, MONDAY THROUGH FRIDAY, TAXI ZONE, ALL OTHER TIMES - RESCIND
NO PARKING, TAXI ZONE - ESTABLISH
4th Street, west side, from Minna Street to 150 feet southerly.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Harriet Street, south side, from Brannan Street property line to 30 feet easterly.

TOW AWAY NO STOPPING, 3 PM TO 6 PM, MONDAY THROUGH FRIDAY - RESCIND
Fremont Street, east side, from 219 feet to 349 feet north of Howard Street.

NO PARKING ANYTIME - ESTABLISH
Somerset Street, west side, from Campbell Avenue to 100-feet southerly.

TOW-AWAY, NO STOPPING ANYTIME, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - RESCIND
Turk Street, north side, between Van Ness Avenue and Franklin Street.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Missouri Street, west side, from 80 feet to 130 feet north of 23rd Street.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
O'Farrell Street, south side, from 58 feet west of Van Ness Avenue to 100 feet westerly (to establish a 100-foot bus zone bulb with 12-foot taper at the west

3/7/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 3/28/05 - Advertised in the 4/6/05 edition of the SF Chronicle.

050404 **[Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.

MULTIPLE LEFT TURN LANES - RESCIND
Turk Street, westbound, at Gough Street (removing the option to turn left from the middle lane but still requiring the left lane to turn left).

BUSES AND TAXIS ONLY AFTER CANDLESTICK PARK EVENTS - ESTABLISH
Ingerson Avenue, westbound, between Hawes and 3rd Streets.

NO LEFT TURN - ESTABLISH
Lake Merced Boulevard, northbound, at Skyline Boulevard (north leg only).

LEFT LANE MUST TURN LEFT - ESTABLISH
Holloway Avenue, eastbound and westbound, at Junipero Serra Boulevard.

MULTIPLE LEFT TURN LANES - RESCIND
LEFT LANE MUST TURN LEFT - RESCIND

Howard Street, westbound, at 6th Street.

LEFT LANE MUST TURN LEFT EXCEPT BUSES AND TAXIS - ESTABLISH
4th Street, southbound, at Bryant Street.

DIAMOND LANE: LEFT LANE BUSES, TAXIS AND LEFT TURNS ONLY - RESCIND
4th Street, southbound, between Bryant and Townsend Street.

BUSES AND TAXIS ONLY - ESTABLISH
4th Street, southbound, second lane from left at Brannan Street; and
4th Street, southbound, second lane from left at Townsend Street.

LEFT LANE MUST TURN LEFT, RIGHT LANE MUST TURN RIGHT - ESTABLISH
10th Avenue, northbound, approaching Fulton Street.

NO TURN ON RED - RESCIND
Shrader Street at Fell Street. (Parking and Traffic Department)

(3/7/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2961.)

3/7/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 3/28/05 - Advertised in the 4/6/05 edition of the SF Chronicle.

050405 [STOP Intersections]

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Westgate Drive and Darien Way, installing STOP signs at this intersection, making this intersection an All-Way STOP;
Newhall Street and Quesada Avenue, stopping Newhall Street at Quesada Avenue, making this intersection an All-Way STOP;
4th Avenue and Clement Street, stopping Clement Street at 4th Avenue, making intersection an All-Way STOP;
Wisconsin and 22nd Streets, stopping Wisconsin at 22nd Street making this intersection an All-Way STOP;
Bacon and Hamilton Streets, stopping Bacon Street, making this intersection an All-Way STOP;
Somerset Street and San Bruno Avenue, stopping Somerset Street at San Bruno Avenue, the stem of this Y-intersection;
Octavia Frontage Road, stopping southbound Octavia Frontage Road at Market Street;
Octavia Frontage Road, stopping northbound Octavia Frontage Road at Hayes Street;
Ingalls Street at Armstrong Street, making intersection All-Way STOP;
Jennings Street at Wallace Street, making intersection All-Way STOP;
Hawes Street at Quesada Street, making intersection All-Way STOP; and
Hoff Street at 16th and 17th Streets, stopping the stem of these T-intersections. (Parking and Traffic Department)

(3/7/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2961.)

3/7/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 3/28/05 - Advertised in the 4/6/05 edition of the SF Chronicle.

050406 **[Accept-Expend State Grant - Vertical Prosecution Program]**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $290,562 through the California Governor's Office of Criminal Justice Planning (OCJP A301) for the operation of a program entitled "Vertical Prosecution Program." (District Attorney)

3/4/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

050407 **[Accept-Expend State Grant - Victim & Witness Assistance Program]**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $562,287 through the California Governor's Office of Emergency Services, Criminal Justice Programs Division, for the operation of a program entitled "Victim & Witness Assistance Program." (District Attorney)

3/4/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Requests Granted

From: Supervisor Ammiano

To: City Attorney

Requesting/Inquiring: To collaborate with the Director of Public Health to inquire into whether funds from Proposition 63, the Mental Health and Service Expansion and Funding Proposition, can be used to contribute to the funding of a feasibility study of the building of suicide barrier on the Golden Gate Bridge.

From: Supervisor Ammiano

To:Dr. Mitch Katz and Gregg Sass, Department of Public Health

Trent Rhorer and Phil Arnold, Department of Human Services

Chief Joanne Hayes-White and Julia Dawson, San Francisco Fire Department

Chief Heather Fong San Francisco Police Department

Sheriff Michael Hennessey, San Francisco Sheriff's Department, Yomi Agunbiade, Department of Recreation and Park Department

Requesting/Inquiring: Departmental March Budget Hearings

To provide a policy and performance based overview of your current year budget and proposed FY 2005-2006 budget submission to the Mayor.

Please prepare a 30-minute presentation that covers the following topics:

March-April Departmental Hearing Agenda

Current year performance (please summarize your data as much as possible)

Policy priorities and program goals supported in the current year budget

Assessment of current community needs (data may be presented from surveys focus groups, or other sources)

Performance (data may be presented from department's performance measures, SFStat, efficiency plans, City Survey's or other established standards.

Current year budget:

Presentation of budget vs actual and summarize the department's plan to address any significant variances

Summary of mid-year budget cuts, including the Budget Analyst mid-year report as a starting point, impacts of the mid-year cuts, such as services reduction, layoffs, or revenue changes.

FY 2005-2006 Budget Proposal:

High level

Markham D. Hirt (Supervisor Dufty)

George Photlus Costello (Supervisor Elsbernd)

Helen Finigan (Supervisor Elsbernd)

Anne Carroll Lobre (Supervisor Elsbernd)

Mary Kathleen McDonagh (Supervisor Elsbernd)

Verna M. Rambo (Supervisor Maxwell)

Yolanda West (Supervisor Maxwell)

Philip Lamantia (Supervisor Peskin)

George Livermore (Supervisor Peskin)

ADJOURNMENT

There being no further business the Board adjourned at the hour of 4:14 p.m.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on April 19, 2005.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.
Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.
Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.
Agenda are available on the internet at www.sfgov.org/bdsupvrs.bos.htm.
THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK.
Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.
Results of each Board meeting can be obtained about a half hour after the end of the meeting by telephoning (415) 554-5555.
Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.
AVISO EN ESPA¥OL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7701

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The Legislative Chamber of the Board of Supervisors is in Room 250 of City Hall, 1 Dr. Carlton B. Goodlett Place. The Chamber is wheelchair accessible.

The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.
There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.
All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.
The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting. This advance notice will help ensure availability.
ú For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.
ú For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.
Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.
The Clerk of the Board's Office TTY number is (415) 554-5227.
In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102 by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org
Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine.htm

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

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City and County of San Francisco
Board of Supervisors

Full Board Agendas

City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES

Tuesday, March 22, 2005
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL

Members Present: *Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick,*

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Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

Members Excused: *None*

Members Absent: *None*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:04 p.m. On the call of the roll all Supervisors were noted present.

Quorum present.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved to approve February 22, 2005 Meeting Minutes. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

AGENDA CHANGES

COMMUNICATIONS

Gloria L. Young, Clerk of the Board, informed the Board a communication was received from the former Secretary of State, Kevin Shelley, expressing his gratitude to the Board of Supervisors for adjourning a meeting in memory of his late mother Thelma Shelley.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

050213 **[To appropriate supplemental funds to fund the SFPUC Water Capital Improvement Program (CIP) for the remainder of fiscal year 2004-2005]** **Mayor**

Ordinance appropriating $21,963,000 of bond sales proceeds from the Water Department to fund the San Francisco Public Utilities Commission's (SFPUC) Capital Improvements Program for fiscal year 2004-05.

(Fiscal impact.)

Enacted Number: 54-05
FINALLY PASSED

050189 [Camp Mather - Fees Increase] Supervisor Ma

Ordinance amending S.F. Park Code Section 12.01 to increase the Camp Mather cabin and tent site usage fees, amending Park Code Section 12.02 to increase the Camp Mather day use fees, and amending Park Code Section 12.03 to increase the Camp Mather meal fees and making environmental findings. (Recreation and Park Department)

Enacted Number: 52-05
FINALLY PASSED

Recommendation of the Budget and Finance Subcommittee

050165 [Airport Concession Lease]

Resolution approving the Remote Terminal Food and Beverage Lease between Bassam & Nancy Shihadeh dba Deli Up Caf,, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

Enacted Number: 213-05
ADOPTED

Recommendations of the City Operations and Neighborhood Services Committee

041308 [Regulating the Distribution of Handbills] Supervisor Ma

Ordinance amending Article 5.7 of the Public Works Code by repealing section 184.71, which required persons distributing handbills to register and pay fees, amending section 184.73 to make violation of the ordinance an infraction instead of a misdemeanor, and by renumbering sections 184.71 through 184.77.

Enacted 53-05

Number:
FINALLY PASSED

050016 [Safety Measures -- Hyde Street and Vallejo Streets] Supervisor Peskin

Resolution urging the Department of Parking and Traffic to install a traffic signal at the intersection of Vallejo and Hyde Streets, urging the painting of crosswalks crossing Hyde Street at Vallejo Street, and designating the intersections of Hyde at Green Streets and Hyde at Broadway Streets all-way STOPs.

Enacted Number: 209-05
ADOPTED

050102 [Parking Regulation]

Resolution enacting parking regulation on Hill Street.

RESIDENTIAL PERMIT PARKING AREA "S" (4-HOUR TIME LIMIT, 8 AM - 9 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Hill Street, both sides, between Noe and Sanchez Streets (400 block).

Enacted Number: 211-05
ADOPTED

050237 [Accept-Expend Grant]

Resolution authorizing the Public Library to retroactively accept and expend a grant in the amount of $23,400 from the Friends of the San Francisco Public Library for a part-time, as needed, editor for the publication, At the Public Library. (Public Library)

Enacted Number: 214-05
ADOPTED

Recommendations of the Rules Committee

041138 [Board of Supervisors to respond on behalf of City departments to orders for the production of City records made under designated state and federal laws] Supervisors McGoldrick, Mirkarimi, Peskin, Ammiano

Ordinance amending the San Francisco Administrative Code, by adding Section 2.20, to authorize the Board of Supervisors to identify as "watch laws" those state or federal laws calling for the disclosure of information or records held by the City, where disclosure could violate of the rights of individuals under the State or Federal Constitutions, and to authorize the

Board to respond on behalf of City departments to orders for the production of City information or records made under such watch laws.

Enacted Number: 51-05
FINALLY PASSED

050120 [Appointing members to the IHSS Governing Body] Supervisor Maxwell

Ordinance clarifying the process for appointing members to the In-Home Supportive Services Public Authority (IHSS) Governing Body, and adding two additional members (representing the bargaining unit of the union that represents IHSS independent providers, and a consumer at-large who is eighteen years of age or older).

Enacted Number: 55-05
FINALLY PASSED

050295 [Appointment - Shelter Monitoring Committee]

Resolution appointing Bianca Henry, Delbert Scott and Jesus Medellin, terms ending November 23, 2006, to the Shelter Monitoring Committee.

Bianca Henry, new appointment, seat 4, must be selected from a list of candidates that are nominated by community agencies that provide behaviorial health, housing placement, or other services to the homeless, for the unexpired portion of a two-year term ending November 23, 2006. Delbert Scott, new appointment, seat 5, must be selected from a list of candidates that are nominated by non-profit agencies that provide advocacy or organizing services to homeless people and be homeless or formerly homeless, for the unexpired portion of a two-year term ending November 23, 2006. Jesus Medellin, new appointment, seat 6, must be selected from a list of candidates that are nominated by non-profit agencies that provide advocacy or organizing services to homeless people, for the unexpired portion of a two-year term ending November 23, 2006.

Enacted Number: 215-05
ADOPTED

050384 [Appointment - Bicycle Advisory Committee]

Resolution appointing Andrew Thornley and Francisco Hernandez, terms ending November 19, 2006, to the Bicycle Advisory Committee.

Andrew Thornley, succeeding Andrew Thornley, term expired, seat 1, must be a nominee of District 1 Supervisor, for the unexpired portion of a two-year term ending November 19, 2006. Francisco Hernandez, succeeding Francisco Hernandez, term expired, seat 9, must be a nominee of District 9 Supervisor, for the unexpired portion of a two-year term ending November 19, 2006.

Enacted Number: 216-05
ADOPTED

050411 [Appointment - Commission on the Aging Advisory Council]

Resolution appointing Vera Haile, term ending March 31, 2007, to the Commission on the Aging Advisory Council.

Vera Haile, succeeding Marie Conroy-Salbi, term expiring March 31, 2005, seat 8, must be nominee of District 1 Supervisor, for a two-year term ending March 31, 2007.

Enacted Number: 217-05
ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the City Operations and Neighborhood Services Committee

050071 [Shopping Cart Signage and Security Requirements] Supervisor Ma

Ordinance amending Part II, Chapter X, of the San Francisco Municipal (Public Works) Code by adding Sections 1410-1414, requiring permanently affixed signs on shopping carts, requiring businesses with carts to post signs prohibiting removal from premises and to secure all carts during hours business is closed.

PASSED ON FIRST READING by the following vote:
Ayes: 8 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 3 - Ammiano, Daly, Mirkarimi

Recommendation of the Land Use Committee

041745 **[Regulating Skateboard Riding]** Supervisor Ma

Ordinance amending the San Francisco Traffic Code by amending section 100 (Ord. No. 300-98) so that it no longer applies to skateboard riders; repealing a second section 100 (Ord. No. 385-98); repealing sections 100.1 through 100.6, which established a pilot program regulating roller and in-line skaters that has now expired; and adding a new section 100.1, regulating the riding of skateboards in San Francisco.

Supervisor Ma, seconded by Supervisor Elsbernd, moved that this Ordinance be RE-REFERRED to the Land Use Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Rules Committee

050247 **[Settlement of Lawsuit - 18th and Arkansas Homeowners Association, et al., v. CCSF, et al.]**

Ordinance authorizing settlement of the lawsuit filed by 18th and Arkansas Homeowners Association, 1220 Folsom Street Owners' Association, 2412 Harrison Street Owners' Association, India Cove Homeowners Association, 700 Illinois Street Owners' Association, 1415 Indiana Street Owners' Association, Penn Station Lofts Owners' Association, 226 Ritch Street Owners Association, 650 Second Street Owners' Association, San Francisco Flower Growers Association, 2030 Third Street Homeowners' Association, Tehama Lofts Condominium Owners' Association, 1011 23rd Street Owners' Association, and 239 8th Street Homeowners' Association against the City and County of San Francisco for $65,424.81; the lawsuit was filed on September 27, 2003 in the San Francisco Superior Court, Case No. 424-484; entitled 18th and Arkansas Homeowners Association, et al., v. City and County of San Francisco, et al.

Enacted Number: 56-05

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

Recommendations of the Budget and Finance Subcommittee

041272 **[To appropriate funding from the General Reserve to increase available funding in the Election Fund for public financing]** **Supervisor Daly**

Ordinance appropriating, retroactively, $87,678 from the General Fund Reserve to increase funds in the Election Campaign Fund for the purpose of public financing of all eligible candidates for the Ethics Commission for fiscal year 2004-2005.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

050117 **[Re-appropriate funding from Earthquake Safety Bond Phases 1 & 2 proceeds; re-appropriate funding from the Fire Bond proceeds and appropriate interest]** **Mayor**

Ordinance re-appropriating $5,769,221 from the Earthquake Safety Bond Phases 1 & 2 proceeds to fund $2,724,875 on San Bruno Jail construction, $2,746,336 on San Francisco Juvenile Hall Guidance Center Project construction, and $298,010 for 4th Street Bridge construction for fiscal year 2004-05 and backfilling $326,000 of lower COP interest earnings with Earthquake Safety Bond interest earnings for San Bruno Jail construction. Additionally, to re-appropriate $487,610 from the sale of Fire Bond proceeds and to appropriate $1,993,370 from Fire Bond interest earnings to fund construction expenses for Fire Station 2 for the Department of Public Works for fiscal year 2004-2005.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

050137 **[Public Employment - Various Departments]** **Supervisor McGoldrick**

Ordinance amending Ordinance No. 198-04 (Annual Salary Ordinance 2004/2005) reflecting the deletion of 7.4 positions at Airport Commission, Department of Human Resources, Human Services Agency, Public Health, Public Works, Recreation and Park, Human Rights Commission, and the Department on the Status of Women.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the City Operations and Neighborhood Services Committee

050099 **[Cesar Chavez Bike Bridge and at-grade pedestrian/bike path on State Route 101 at Cesar Chavez Street]**

Resolution approving a maintenance agreement with the State of California, Department of Transportation (Caltrans) for the newly constructed Cesar Chavez Bike Bridge and at-grade pedestrian/bike path on State Route 101 at Cesar Chavez Street and authorizing official acts in furtherance thereof. (Public Works Department)

Enacted Number: 210-05

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

050163 **[Liquor License, 1760-1772 Market Street]**

Resolution determining that the issuance of a Type 48 on-sale general public premises liquor license in exchange for a Type 47 on-sale general eating place license to Michael Harrity, for Octavia Lounge located at 1760-1772 Market Street, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with section 23958.4 of the California Business and Professions Code with conditions.

Enacted Number: 212-05

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Land Use Committee

Appointment of President Pro Tempore

At the request of the President, Supervisor Ammiano assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

041071 **[Amending Planning Code Section 703.3 to prohibit formula retail uses in the North Beach Neighborhood Commercial District]** Supervisor Peskin

Ordinance to amend the Planning Code by amending section 703.3 to prohibit formula retail uses in the North Beach Neighborhood Commercial District and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Alioto-Pier, Elsbernd

Recommendations of the Rules Committee

041571 **[Chapter 6 Technical Amendments]** **Supervisors Ma, Peskin**

Ordinance amending San Francisco Administrative Code Chapter 6 to update section 6.2, to add new section 6.9 concerning subcontractor limitation of rights, to add new subsection 6.20(F) for a bidder prequalification process, to add new subsection 6.21(A)(10) to allow a specification requirement for contractor work with its own forces, to revise subsection 6.21(C) to allow a department head to reject all bids, to revise subsection 6.22(J) concerning retention of progressive payments, to add a new subsection 6.22(Q) concerning public work contract claims, to revise section 6.41 concerning subsequent phase competition for design services, to revise section 6.60 emergency contracting procedures, to revise section 6.61 design-build contracting procedures, to revise section 6.62 job order contracting procedures, to revise 6.64 as-needed contracting procedures, and to revise section 6.65 special service contracting procedures.

Supervisor Ma, seconded by Supervisor Alioto-Pier, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

050061 **[Real Property Reporting and Planning]** **Supervisors Elsbernd, Alioto-Pier, Mirkarimi, Peskin**

Ordinance adding Section 23.8 to the San Francisco Administrative Code to establish a City policy that all City departments report annually to the Real Estate Division certain real property information, that relevant property information be recorded and geographically displayed in the Real Estate Information System (REIS), and the Director of Property prepare an annual report to the Board of Supervisors with real property asset management recommendations.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

041582 [Continuum of Care Plan - Homeless Board Membership] Supervisors Elsbernd, Alioto-Pier

Resolution amending the Continuum of Care Plan to dissolve the current Local Homeless Coordinating Board and to restructure it to reflect the recently adopted Ten Year Plan to End Chronic Homelessness reducing its membership to nine: four appointed by the Mayor; four appointed by the Board of Supervisors; and one appointed by the Controller.

Supervisor Ammiano, seconded by Supervisor Mirkarimi, moved to re-refer to Committee.

Motion to re-refer to Committee was withdrawn by Supervisor Ammiano.

Supervisor Ammiano, seconded by Supervisor Mirkarimi, moved to amend that the Controller's appointment be confirmed by the Board of Supervisors.

Motion to amend that the Controller's appointment be confirmed by the Board of Supervisors carried without objection.

Enacted Number: 208-05

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Resolution be ADOPTED AS AMENDED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Alioto-Pier, Elsbernd

050316 [Appointment - Board of Appeals] Mayor

Motion approving the Mayor's appointment of Michael Garcia to the Board of Appeals for the term ending July 1, 2006.

(Section 4.106 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 050317.) Transmittal date - February 18, 2005.

Enacted Number: M05-42

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Rules Committee Without Recommendation

050136 [Requiring departments to use interdepartmental mail] Supervisor Ma

Ordinance amending Chapter 8 of the Administrative Code by adding a new section 8.17 to require departments to use interdepartmental mail subject

to certain limited exceptions.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Emily Musareo, PHD, Executive Director Commission on the Status of Women

Recognition of Women Making History Ceremony

Supervisor Mirkarimi honored London Breed

Supervisor Sandoval honored Alice Bulos

Supervisor Daly honored Lolita Kintanar

Supervisor Peskin honored Krystn Kuckelman

Supervisor Ammiano honored Delia Medina

Supervisor McGoldrick honored Sue Lee

Supervisor Elsbernd honored Patricia Pinnick

Supervisor Alioto-Pier honored Lisa J. Stevens

Supervisor Ma honored Dawn Stueckle

Supervisor Maxwell honored Lynn Westry

Supervisor Dufty honored Carol Yenne

Commission on the Status of Women Commissioners Angela Williams and Katherine Munter addressed the Board.

Supervisor Maxwell introduced, welcomed and presented a Certificate of Honor to members of the Peer Corp.

SPECIAL ORDER 4:00 P.M.

050274 [11. Public Hearing - Appeal of Categorical Exemption for 981 Washington Street (Chinese Independent Baptist Church Expansion)]

Hearing of persons interested in or objecting to the decision of the Planning Department dated November 8, 2004, Case No. 2004.0906E, approving the expansion of the existing building to the rear of the structure for an addition of approximately 4,600 square feet (sq. ft.) for a total area of about 11,720 sq. ft. The new area would be used for Sunday School classrooms, a renovated kitchen, stairs and toilet facilities. In addition, the interior of the building would be renovated by increasing the width of corridors, adding a chair lift, an elevator and toilet facilities that would meet the requirements of the Americans with Disabilities Act. The present sanctuary which seats 120 persons would not be expanded. The project site is located at 981 Washington Street between Powell and Stockton Streets, Lot 24 in Assessor's Block 0211, within an RC-4 District and a 65-A Height and Bulk District. (Appellants: Anne Leong, Dennis Leong, Walter and Jane Leong, Dr. Guston Ho, Dolly Lee, Victor Leong, Woy Kit Leong, et al.)

(Filed January February 16, 2005; companion measure to Files 050275, 050276, 050277; District 3.)

Mr. Leong, Representative for the appellants

Anne Leong, support of appellant

Dr. Julian Finley, support of appellant

Paul Maltzer, Planning Department, reviewed with the Board the Planning Department's recommendation.

Lincoln Lue - Representative for project sponsor (Chinese Independent Baptist Church)

Sam Leong, support of project sponsor

Andrew Fung, support of project sponsor

Johnson Chen, support of project sponsor

Catherine Chen, support of project sponsor

Rev. Amos Lee, support of project sponsor

Rebuttal Period: Dr. Julian Finley for the appellant

President inquired as to whether or not a member of the public wished to address the Board.

The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

050275 **[Affirming the categorical exemption issued for 981 Washington Street]**

Motion affirming the determination by the Planning Department that the 981 Washington Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Enacted Number: M05-43

Supervisor Sandoval, seconded by Supervisor Elsbernd, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

050276 **[Disapproving the categorical exemption issued for 981 Washington Street]**

Motion disapproving the determination by the Planning Department that the 981 Washington Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Sandoval, seconded by Supervisor Elsbernd, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

050277 **[Preparation of findings related to the categorical exemption issued for 981 Washington Street]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 981 Washington Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Sandoval, seconded by Supervisor Elsbernd, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 4:30 P.M.

050374 **[Public Hearing - Appeal of Tentative**

Subdivision Map for 4005 Mission Street]

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated February 16, 2005, approving Tentative/Parcel Map to legalize the proposed construction of a 3 unit new condominium project in Assessor's Block 5835, Lot 75, at 4005 Mission Street, San Francisco. (Appellant: Otto Wiegand)

(Companion Masure to Files 050375, 050376, 040377; District 11.)

Continued to April 5, 2005

Supervisor Ammiano, seconded by Supervisor Sandoval, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Tentative Subdivision Map described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

050375 **[Tentative Subdivision Map for 4005 Mission Street]**

Motion approving decision of the Director of Public Works, approving Tentative Subdivision Map to legalize the construction of a 3 unit new condominium project in Assessor's Block 5835, Lot 75, at 4005 Mission Street. (Clerk of the Board)

Continued to April 5, 2005

Supervisor Ammiano, seconded by Supervisor Sandoval, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

050376 **[Tentative Subdivision Map for 4005 Mission Street]**

Motion disapproving decision of the Director of Public Works, approving Tentative Subdivision Map to legalize the construction of a 3 unit new condominium project in Assessor's Block 5835, Lot 75, at 4005 Mission Street. (Clerk of the Board)

Continued to April 5, 2005

Supervisor Ammiano, seconded by Supervisor Sandoval, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

050377 **[Findings - 4005 Mission Street]**

Motion directing the Clerk of the Board to prepare findings relating to

Tentative Subdivision Map to legalize the construction of a 3 unit new condominium project in Assessor's Block 5835, Lot 75 at 4005 Mission Street. (Clerk of the Board)

Continued to April 5, 2005

Supervisor Ammiano, seconded by Supervisor Sandoval, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

(Only one of the following two motions should be adopted.)

050486 **[Affirming the categorical exemption issued for 4005 Mission Street]**

Motion affirming the determination by the Planning Department that the 4005 Mission Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to April 5, 2005

Supervisor Ammiano, seconded by Supervisor Sandoval, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

050487 **[Disapproving the categorical exemption issued for 4005 Mission Street]**

Motion disapproving the determination by the Planning Department that the 4005 Mission Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to April 5, 2005

Supervisor Ammiano, seconded by Supervisor Sandoval, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

050488 **[Preparation of findings related to the categorical exemption issued for 4005 Mission Street]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 4005 Mission Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to April 5, 2005

Supervisor Ammiano, seconded by Supervisor Sandoval, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

Pursuant to the Board of Supervisors Rule No. 3.9

Supervisor Daly provided the Board an update on the Bay Area Air Quality Board on which he represents the Board of Supervisors.

Supervisor Dufty provided the Board an update on the Mental Health Board on which he represents the Board of Supervisors.

Supervisor Maxwell provided the Board an update on the Peninsula Joint Powers Board on which she represents the Board of Supervisors.

Supervisor Alioto-Pier provided the Board an update on the State Legislation Committee on which she represents the Board of Supervisors.

PUBLIC COMMENT

Abdulla Megaheed; showed interest in homeless issues

Female Speaker; expressed concern with medical marijuana issues

Female Speaker; expressed concern with police issues

Tom Donohue; expressed concern with Laguna Honda Hospital issues

Josh Hart; expressed concern with bicycle tolls on the Golden Gate Bridge

Carter Zinn; expressed concern with bicycle tolls on the Golden Gate Bridge

Male Speaker; expressed concern with medical marijuana issues

Male Speaker; expressed concern with medical marijuana issues

Adam Thornley; expressed concern with bicycle tolls on the Golden Gate Bridge

Elsie; expressed concern with medical marijuana issues

Michael Mann; expressed concern with medical marijuana issues

Terry Bright; expressed concern with medical marijuana issues

Stephanie Newhart; expressed concern with bicycle tolls on the Golden Gate Bridge

Sam Sunskaski; expressed concern with bicycle tolls on the Golden Gate Bridge

Esther Spray; expressed concern of genocide in Darfur region

Jim Brabow; expressed concern with medical marijuana issues

James Chaffee; expressed concern with the SF Library

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

050455 **[Legislative Analyst Request - Report on Current Restorative Justice Practices]** **Supervisor Dufty**

Motion requesting the Legislative Analyst to research and prepare an in-depth report on current restorative justice practices within the City and County of San Francisco and identifying best practices from other municipalities.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

050464 **[Accessible Web Sites]** **Supervisors Alioto-Pier, Ma, Daly**

Resolution adopting the Mayor's Office on Disability and DTIS Web Site Accessibility Initiatives.

Supervisors Ma and Daly requested to be added a co-sponsors.

Enacted Number: 218-05

ADOPTED

050465 **[Initiate the Designation of 2151 Van Ness Avenue, St. Brigid Church, as a Landmark]** **Supervisors Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Ma**

Resolution initiating the designation of 2151 Van Ness Avenue, St. Brigid Church, Block 0575, Lot 015, as a landmark pursuant to Section 1004.1 of the Planning Code.

Enacted Number: 227-05
ADOPTED

050466 [Shore-to-Shore Bicycle-Pedestrian-Maintenance Pathway] Supervisors Ammiano, Daly, Mirkarimi, Alioto-Pier, Dufty

Resolution urging the California State Legislature and Metropolitan Transportation Commission to include funding for the West Span Bicycle-Pedestrian-Maintenance Pathway as part of any revenue plan, including a toll increase, intended to pay for the cost overruns related to the East Span replacement project.

Enacted Number: 219-05
ADOPTED

050467 [Oscar Anulfo Romero Remembrance Day] Supervisor Ammiano

Resolution declaring March 24, 2005 as Archbishop Oscar Anulfo Romero Remembrance Day in the City and County of San Francisco.

Supervisor Elsbernd requested to be added as a co-sponsor.

Enacted Number: 220-05
ADOPTED

050468 [Victoria Manalo Draves Park] Supervisor Daly

Resolution urging the Recreation and Park Commission to name the new park that is to be built in the old Bessie Carmichael Elementary School site (on Sherman and Folsom) as Victoria Manalo Draves Park.

Enacted Number: 230-05
ADOPTED

050469 [Commending LeVella Johnson] Supervisor Dufty

Resolution commending LeVella Johnson for her 35 years of loyal service to the City and County of San Francisco.

Enacted Number: 221-05
ADOPTED

050470 [DCYF Community Needs Assessment] Supervisor Ma

Resolution approving the Community Needs Assessment developed by the Department of Children, Youth and their Families in accordance with Section 16.108 of the San Francisco Charter.

Enacted Number: 222-05

ADOPTED

050471 **[Opposing Tolls for Bicycle and Pedestrian Access on Golden Gate Bridge]** **Supervisor Mirkarimi**

Resolution urging Golden Gate Bridge, Highway, and Transportation District not to levy tolls for bicycling and walking on the Golden Gate Bridge.

Enacted Number: 226-05

ADOPTED

050472 **[Approving Protest Letter to the California PUC and the Procurement Review Committee Regarding Approval of Proposed PG&E Power Purchase Agreements and Energy Efficiency Programs]** **Supervisor Mirkarimi**

Resolution approving a Protest Letter to the California Public Utilities Commission and the Procurement Review Committee regarding approval of proposed Pacific Gas & Electric Power Purchase Agreements and Energy Efficiency Programs.

Supervisor Daly requested to be added as a co-sponsor.

Enacted Number: 229-05

ADOPTED

050473 **[Accept-Expend State Grant]** **Supervisor Mirkarimi**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $112,000 from the California Department of Conservation for the implementation of an Away From Home Recycling Project in the City and County of San Francisco.

Enacted Number: 223-05

ADOPTED

050474 **[Endorsing and welcoming the American Friends Service Committee's Eyes Wide Open Exhibit]** **Supervisors Mirkarimi, Daly**

Resolution endorsing and welcoming the American Friends Service Committee's Eyes Wide Open Exhibit to the City and County of San Francisco March 25-27, 2005.

Supervisor Daly requested to be added as a co-sponsor.

Enacted Number: 228-05

ADOPTED

050476 **[Arbor Day in San Francisco]** **Supervisor Peskin**

Resolution declaring March 12, 2005 Arbor Day in San Francisco.

Enacted 224-05

Number:
ADOPTED

050477 [Commending Commissioner Millard Larkin II] Supervisor Maxwell

Resolution commending Commissioner Millard Larkin II for his years of service on the Southeast Community Facility Commission.

Enacted Number: 225-05
ADOPTED

050422 [Needle Exchange Emergency] Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Enacted Number: M05-44
APPROVED

050428 [Emergency Disadvantaged Business Enterprise Program - March 29, 2005, Committee of the Whole] Supervisor Ammiano

Motion for the Board of Supervisors to convene as a committee of the whole on March 29, 2005, at 4:00 p.m. to accept public testimony concerning the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

Enacted Number: M05-46
APPROVED

050475 [Rescheduling the April 5, 2005 Board meeting to 10:00 am] Supervisor Peskin

Motion rescheduling the April 5, 2005 regular meeting of the Board of Supervisors to begin at 10:00 a.m. in the Board Chamber in City Hall on that day.

Enacted Number: M05-41
APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell,

McGoldrick, Mirkarimi, Peskin, Sandoval

Severed from Without Reference to Committee Agenda

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

050362 **[Supporting Golden Gate Bridge Suicide Barrier]** **Supervisors Ammiano, Maxwell, Mirkarimi, Alioto-Pier, Daly, Dufty, McGoldrick, Peskin**

Resolution supporting the need for a suicide barrier on the Golden Gate Bridge to protect the public's health and safety and further urging the Golden Gate Bridge Board Directors to proceed with the design and consultation of a suicide barrier.

Enacted Number: 231-05

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Elsbernd, Ma

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

050424 **[Extending Time for Labor Negotiations to June 30, 2005]** **Supervisor Elsbernd**

Motion extending time for labor negotiations to June 30, 2005, pursuant to Charter Section 11.100.

Enacted Number: M05-45

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

041489 **[Regulation of Electioneering Communications]** **Supervisors Maxwell, Peskin, McGoldrick, Sandoval, Mirkarimi,**

Ammiano

Ordinance amending the San Francisco Campaign and Governmental Conduct Code by adding section 1.161.5 to create disclosure and filing requirements for the sponsors of electioneering communications and by amending Section 1.134 to include electioneering communications within the type of communications that could cause the Ethics Commission to lift the City's expenditure ceilings.

(Supervisor Alioto-Pier dissenting in Committee.)

10/26/04, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 11/25/2004. 12/1/04 - Referred to Ethics Commission for review and recommendation.

1/4/05, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing same title.

1/4/05, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 2/3/2005.

1/27/05, REFERRED TO DEPARTMENT. Referred to Ethics Commission for review and recommendation.

3/16/05, RESPONSE RECEIVED. The Ethics Commission voted on 3/14/05 to approve the proposed legislation.

3/22/05, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing new title.

3/22/05, ASSIGNED to Rules Committee.

050490 **[Reducing FY 2004-2005 General Fund overtime appropriations for public safety departments by 5 percent and for certain non-safety departments by 10 percent]** **Supervisor McGoldrick**

Ordinance directing the Controller to reduce Fiscal Year 2004-2005 General Fund appropriations to specified public safety departments for overtime expenses by 5 percent, and to specified non-safety or health departments by 10 percent where the savings would be at least $5,000.

3/22/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050491 **[Appropriate funding from the General Fund Reserve to increase funding for Public Health staffing in the Long Term Chronic Health Care Program for At Home Patients]** **Supervisor McGoldrick**

Ordinance appropriating $307,379 to increase funds for 2 months of salary of 11.50 nurses, 6.80 medical social workers and 1 billing clerk in the Long Term Chronic Health Care Program for At Home Patients for the Department of Public Health for Fiscal Year 2004-05.

(Fiscal impact.)

3/22/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050494 **[Moratorium on Condominium Conversions]** **Supervisor Daly**

Ordinance amending Section 1396 of the Subdivision Code enacting a moratorium on condominium conversions until the City of San Francisco

studies the impact of "tenancy in common" conversions on city's rental housing stock and the impact of the conversions of the stated goals of the San Francisco Condominium Conversion law.

3/22/05, RECEIVED AND ASSIGNED to Land Use Committee.

050496 **[Increasing height exemption for elevator penthouses from 10 feet to 16 feet]** — **Supervisor Alioto-Pier**

Ordinance amending the San Francisco Planning Code by amending Section 260 to increase the height exemption for elevator penthouses from 10 feet to 16 feet, to allow the Zoning Administrator to grant further exemptions for buildings with height limits of more than 65 feet where such an exemption is required to meet state or federal laws or regulations, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

3/22/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 4/21/2005.

050497 **[Renaming the Department of the Medical Examiner as the "Office of the Chief Medical Examiner."]** — **Mayor**

Ordinance amending the San Francisco Administrative Code by amending Section 2A.250 to change the name of the Department of the Medical Examiner to "Office of the Chief Medical Examiner."

3/22/05, RECEIVED AND ASSIGNED to Rules Committee.

050512 **[Zoning - Interim Moratorium on Medical Cannabis Dispensaries]** — **Supervisors Mirkarimi, Alioto-Pier, Maxwell, Peskin, McGoldrick, Elsbernd, Ammiano, Ma, Dufty**

Urgency ordinance approving an interim zoning moratorium throughout the City for 45 days on clubs or dispensaries where marijuana is grown, purchased or distributed with a medical recommendation and making required findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

3/22/05, ASSIGNED to Board of Supervisors. 3/28/05 - Referred to Planning Department, via email, for determination as to whether proposed legislation will impact the environment. 3/28/05 - Received from Planning Department that the proposed legislation was exempt pursuant to General Rule Exclusion, CEAQ Guidelines Section 15061 (b) (3) - preservation of status quo for 45 days. Copies distributed to Board members and City Attorney.

Resolutions

050493 **[Grant to respond to bioterrorism, infectious disease outbreaks, and other public health threats and emergencies in hospital settings in San Francisco]** — **Supervisor Ma**

Resolution authorizing the San Francisco Department of Public Health (SFDPH, SFGH, LHH) to accept and expend retroactively a grant in the amount of $44,747 to San Francisco General Hospital and $27,960 to Laguna Honda Hospital, in a combined amount of $72,707, from the California Department of Health Services (CDHS) to prepare for and respond to bioterrorism and other public health emergencies and to enter into agreements for the use of these funds; for the period of September 1, 2003, to August 30, 2005.

3/22/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

050495 [Grant of Regional Funds] **Supervisor Peskin**

Resolution authorizing the Municipal Transportation Agency to accept and expend $4,290,000 of Regional Measure 2 funds for Municipal Railway Capital Project.

3/22/05, RECEIVED AND ASSIGNED to Land Use Committee.

050498 [Three-Way Stop at Frederick and Willard Streets] **Supervisor McGoldrick**

Resolution urging Department of Parking and Traffic to implement a three-way stop at Frederick and Willard Streets.

3/22/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 3/21/05 - Referred to Parking and Traffic for comment and determination of environmental impact. 4/14/05 - Planning department determined that this legislation is categorically exempt from environmental review per class 1(c).

050499 [Traffic Regulations - Bike Lanes] **Supervisor Daly**

Resolution enacting bike lanes on Market Street.

3/22/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 3/21/05 - Referred to Parking and Traffic for comment and determination of environmental impact. 3/28/05 - Advertised in the 4/6/05 edition of the SF Chronicle. 4/15/05 - Response received from Planning, Categorically Exemption from environmental review Class 4(h).

050514 [Joint Powers Agreement with the San Francisco Health Authority] **Supervisors Ammiano, Daly, Mirkarimi, Elsbernd, McGoldrick, Dufty, Ma**

Resolution approving Joint Powers Agreement with the San Francisco Health Authority to create a Joint Powers Authority to operate the Non-Medi-Cal health plans currently operated by the San Francisco Health Authority.

3/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050515 [Commending Double Rainbow Ice Cream] **Supervisor Daly**

Resolution commending Double Rainbow Ice Cream for 25 years of community service, and their dedication in improving the lives of youth,

chronically ill, and homeless individuals in San Francisco.

3/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050516 **[Recycling assistance renewal]** **Supervisor Dufty**

Resolution authorizing the San Francisco Department of the Environment to submit an application for the renewal of a Recycling Market Development Zone designation for the purpose of assisting recycling-based businesses to develop recycled material markets in San Francisco.

3/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050517 **[National Public Health Week]** **Supervisor Ma**

Resolution recognizing April 4-10, 2005, as National Public Health Week in the City and County of San Francisco.

3/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050518 **[San Francisco Veterans Affairs Medical Center]** **Supervisors Ma, Elsbernd**

Resolution commending the accomplishments and innovations of the San Francisco Veterans Affairs Medical Center's robust research program.

3/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050519 **[Accept-Expend Federal Grant - 2005 Mayor's Summer Food Service Program]** **Supervisor Maxwell**

Resolution authorizing the Department of Children, Youth and Their Families to accept and expend a grant in the amount of $743,450 from the United States Department of Agriculture for the 2005 Mayor's Summer Food Service Program.

3/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050520 **[Support of Cleaner School Buses for the San Francisco Unified School District]** **Supervisors Maxwell, Ammiano**

Resolution supporting Cleaner School Buses for the San Francisco Unified School District and urging the School District to aggressively pursue a new bus contract that would adhere to all the goals of the city to run clean, low-emission buses.

3/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050521 **[Urging Governor Schwarzenegger and the California Legislature to ensure that California gets its fair share of federal funding]** **Supervisor McGoldrick**

Resolution urging Governor Arnold Schwarzennegger, the California Congressional Delegation, and the State Legislature to work together to ensure that the 2006 federal budget now under consideration provides California its fair share of federal funding.

3/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050522 **[Urging the Mayor to release funds to the Department of Public Health]** **Supervisor McGoldrick**

Resolution urging the Mayor to release funding for the Department of Public Health to fund Public Health Nurses, Senior Medical Social Workers, and a Health Care Billing Clerk in FY 04-05.

3/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050523 **[Urging Governor Schwarzenegger to re-visit California's "Three Strikes" law]** **Supervisor McGoldrick**

Resolution urging Governor Schwarzenegger to re-visit the "Three Strikes" law adopted by California voters and the state legislature in 1994.

3/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050524 **[California National Guard and the War in Iraq]** **Supervisors McGoldrick, Mirkarimi, Daly**

Resolution urging the Governor of California to request the Pentagon, the President and Congress to take steps to withdraw California National Guard troops from Iraq.

3/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050539 **[Far West Fungi Day]** **Supervisors Peskin, Maxwell, Ammiano, Alioto-Pier, Ma**

Resolution declaring April 1, 2005 Far West Fungi Day in San Francisco.

3/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050540 **[Traffic Conditions on Telegraph Hill Boulevard]** **Supervisor Peskin**

Resolution urging the Municipal Railway, Department of Parking and Traffic and Recreation and Parks Department to implement a Public Transit and Traffic Facilitation Pilot Program on Telegraph Hill Boulevard in the summer of 2005.

3/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

050500 **[Public Health and Human Services Fiscal Year 2005-2006 Budget]** **Supervisor Ammiano**

Hearing for the Department of Public Health and the Department of Human Services to provide a policy and performance based overview of their current year budget and proposed FY 2005-2006 budget submission to the Mayor.

3/22/05, RECEIVED AND ASSIGNED to Budget and Finance Committee. Sponsor requests this item be scheduled for consideration at the March 31, 2005 meeting.

050501 **[Recreation & Park and Public Works Fiscal Year 2005-2006 Budget]** **Supervisor Ammiano**

Hearing for the Recreation and Park and Public Works Department to provide a policy and performance based overview of their current year budget and proposed FY 2005-2006 budget submission to the Mayor.

3/22/05, RECEIVED AND ASSIGNED to Budget and Finance Committee. Sponsor requests this item be scheduled for consideration at the April 7, 2005 meeting.

050502 **[Fire Department FY 2005-2006 Budget]** **Supervisor Ammiano**

Hearing for the Fire Department to provide a policy and performance based overview of their current year budget and proposed FY 2005-2006 budget submission to the Mayor.

3/22/05, RECEIVED AND ASSIGNED to Budget and Finance Committee. Sponsor requests this item be scheduled for consideration at the April 14, 2005 meeting.

050503 **[Police and Sheriff Fiscal Year 2005-2006 Budget]** **Supervisor Ammiano**

Hearing for the Police and Sheriff's Departments to provide a policy and performance based overview of their current year budget and proposed FY 2005-2006 budget submission to the Mayor.

3/22/05, RECEIVED AND ASSIGNED to Budget and Finance Committee. Sponsor requests this item be scheduled for consideration at the April 21, 2005 meeting.

050504 **[City Policy for Disbursing Housing under the Care Not Cash Program]** **Supervisor Daly**

Hearing on City policy of disbursing housing under the Care Not Cash program, including the types of referrals made and the overall effectiveness of securing permanent housing for the homeless population.

3/22/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

050505 **[Redesign of Homeless Program]** **Supervisor Daly**

Hearing on the Mayor's Office and the Department of Human Services provisions for community input in the redesign of its homeless program.

3/22/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

050506 **[Project Homeless Connect Program and Services]** — Supervisor Daly

Hearing on the Project Homeless Connect Program and services in relation to outreach recommendations from the 10 year planning council.

3/22/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

050507 **[Mayor's Office of Housing Mission to Serve a Diversity of Populations]** — Supervisor Daly

Hearing on how the Mayor's Office of Housing is serving various populations in its current mission and efforts.

3/22/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

050508 **[Livability of San Francisco for San Francisco General Residents]** — Supervisor Daly

Hearing on City policies impacting the attraction of University of San Francisco Medical School residents at San Francisco General Hospital.

3/22/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

050509 **[Prohibition of Chlorofluorocarbon Processed Food Packaging]** — Supervisor McGoldrick

Hearing to discuss the City's compliance with San Francisco Health Code Section 469.2 which prohibits retail food establishments and wholesalers doing business within the City and County of San Francisco from selling, purchasing, distributing, keeping or providing to customers any chlorofluorocarbon processed food packaging. Also, Health Code Section 469.7 whick states that the City and County of San Francisco is also prohibited from purchasing CFC processed food packaging, except where required under a contract entered into prior to the enactment of the ordinance.

3/22/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 3/25/05 - Referred to Small Business Commission.

050511 **[Hearing - Interim Moratorium on Medical Cannabis Dispensaries]**

Hearing to consider the possible adoption of an Urgency ordinance approving an interim zoning moratorium throughout the City for 45 days on clubs or dispensaries where marijuana is grown, purchased or distributed with a medical recommendation and making required findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings. (Clerk of the Board)

3/22/05, ASSIGNED to Board of Supervisors. Pursuant to File 050510, Board to sit as a Committee of the Whole March 29, 2005, at 5:00 p.m.

050513 **[Categorical Exemptions to Historic Resources]** **Supervisor Peskin**

Hearing to explore the Department of City Planning's policies regarding the application of categorical exemptions to historic resources.

3/22/05, RECEIVED AND ASSIGNED to Land Use Committee.

MOTIONS

050510 **[Committee of the Whole - March 29, 2005, at 5:00 p.m.]** **Supervisor Mirkarimi**

Motion for the Board of Supervisors to convene as a committee of the whole on March 29, 2005, at 5:00 p.m. to accept public testimony concerning the possible adoption of an urgency ordinance approving an interim zoning moratorium throughout the City for 45 days on clubs or dispensaries where marijuana is grown, purchased or distributed with a medical recommendation and making required findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

3/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050538 **[Supporting the Youth Commission's leadership and participation in the Department of Children, Youth, and Families' 3% Youth Initiated Projects Initiative]** **Supervisor Peskin**

Motion supporting the Youth Commission's leadership and participation in the Department of Children, Youth, and Families' 3% Youth Initiated Projects Initiative.

3/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

CHARTER AMENDMENT

050492 **[Charter Amendment - Authorizing the Board of Supervisors to meet by teleconferencing or other electronic means during a state of emergency]** **Supervisor Ma**

Charter Amendment (First Draft) to amend Section 2.103 to allow the Board of Supervisors to meet by teleconferencing or other electronic means during a state of emergency.

3/22/05, ASSIGNED UNDER 30 DAY RULE. 4/14/05 - Referred to Controller; Mayor; City Attorney; Ethics Commission; City Administrator; Administrative Services Director; Planning, Environmental Review Officer; Budget Analyst;

Clerk of the Board.

PROPOSED ORDINANCES

050416 [Health Service System Plans]

Ordinance approving the 2005-2006 health, vision and dental plans of the Health Service System, and the rates applicable to those plans. (Human Resources Department)

(Fiscal impact.)

3/8/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050418 [Settlement of Lawsuit - James Tucker]

Ordinance authorizing settlement of the lawsuit filed by James Tucker against the City and County of San Francisco for $60,000; the lawsuit was filed on September 9, 2003 in San Francisco Superior Court, Case No. 424-256; entitled James Tucker, et al. v. City and County of San Francisco, et al. (City Attorney)

3/14/05, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

050389 [Settlement of Claim - Beatrice Mouser]

Resolution approving the settlement of the unlitigated claim filed by Beatrice Mouser against San Francisco for $125,000; claim was filed on October 21, 2004. (City Attorney)

3/14/05, RECEIVED AND ASSIGNED to Rules Committee.

050419 [PUC Commercial Paper Issuance]

Resolution approving the substitution of the letter of credit with respect to the San Francisco Public Utilities Commission's Commercial Paper Notes (Water Series) and related matters. (Public Utilities Commission)

3/14/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Sandoval

To: City Attorney

Requesting/Inquiring: To draft legislation to amend the Planing Code to prohibit new medicinal marijuana clinics from locating within 1000 feet of

existing marijuana clinics and to prohibit the siting of medicinal marijuana clinics within 1000 feet of any public or private school, youth center, library, park or recreation facility.

From: Supervisor Maxwell

To: City Attorney

Requesting/Inquiring: To draft legislation to create a Food Security Task Force where its primary focus is to create a strategic plan for the city to increase participation of federally funded programs such as the Food Stamp Program.

From: Supervisor McGoldrick

To: City Attorney

Requesting/Inquiring: To draft legislation that prohibits the City and County of San Francisco from the use of plastic bags in any of San Francisco's city operations.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: To report on the status of the two empty sidewalk squares at 701 Shrader Street.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: To report on the status of replacing the dead tree at 801 Shrader Street.

From: Supervisor Mirkarimi

To: Director, Redevelopment Agency

Requesting/Inquiring: To report on the status of replacing the palm tree that has been cut down on the perimeter of Safeway's parking lot adjacent to Gene Suttle Plaza at Fillmore and O'Farrell Streets.

From: Supervisor Daly

To: Mayor's Office

Requesting/Inquiring: To report on the budget of Project Homeless Connect programs and services with particular emphasis on the costs for website and the staging overall outreach services for current fiscal year 2004-05 and plans for next fiscal year 2005-06.

Gaston Grass (Supervisor Dufty)

Alex Bonutti (Supervisor Elsbernd)

Richard Sanguinetti (Supervisor Elsbernd)

Doris Neumann (Supervisor Elsbernd)

Robert Lanctot (Supervisor Sandoval)

ADJOURNMENT

There being no further business the Board adjourned at the hour of 7:17 p.m.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on April 26, 2005.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.
Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.
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AVISO EN ESPAŸOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7701

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ú For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.
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City and County of San Francisco
Board of Supervisors

Full Board Agendas

City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES

Tuesday, March 29, 2005
2:00 PM
Legislative Chamber - Second Floor
Regular Meeting

Board of Supervisors

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL

DOCUMENTS DEP

MAY 17 2005

SAN FRANCISCO
PUBLIC LIBRARY

Members Present: *Michela Alioto-Pier, Tom Ammiano, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie*

Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin.

Members Excused: *Chris Daly, Gerardo Sandoval.*

Members Absent: *None.*

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll

Supervisors Daly and Sandoval were noted absent.

Quorum present.

Supervisors Daly and Sandoval were previously excused from attending today's meeting. (See Infra)

Supervisors Daly and Sandoval Excused from Attendance

Supervisor Mirkarimi, seconded by Supervisor Ma, moved to excuse Supervisors Daly and Sandoval from attending today's meeting. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 2 - Daly, Sandoval

AGENDA CHANGES

COMMUNICATIONS

CONSENT AGENDA

Recommendations of the Budget and Finance Subcommittee

050330 [Contract between DPH and Triage Consulting Group to provide retroactive claiming of aged accounts services]

Resolution authorizing the Director of Public Health and the Director of the Office of Contract Administration/Purchaser to continue a contract between the City and County of San Francisco and Triage Consulting Group to provide retroactive claiming of aged accounts services for the period of July 1, 2004 through June 30, 2008. (Public Health Department)

Enacted Number: 232-05
ADOPTED

041272 **[To appropriate funding from the General Reserve to increase available funding in the Election Fund for public financing]** Supervisor Daly

Ordinance appropriating, retroactively, $87,678 from the General Fund Reserve to increase funds in the Election Campaign Fund for the purpose of public financing of all eligible candidates for the Ethics Commission for fiscal year 2004-2005.

(Fiscal impact.)

Enacted Number: 57-05
FINALLY PASSED

050117 **[Re-appropriate funding from Earthquake Safety Bond Phases 1 & 2 proceeds; re-appropriate funding from the Fire Bond proceeds and appropriate interest]** Mayor

Ordinance re-appropriating $5,769,221 from the Earthquake Safety Bond Phases 1 & 2 proceeds to fund $2,724,875 on San Bruno Jail construction, $2,746,336 on San Francisco Juvenile Hall Guidance Center Project construction, and $298,010 for 4th Street Bridge construction for fiscal year 2004-05 and backfilling $326,000 of lower COP interest earnings with Earthquake Safety Bond interest earnings for San Bruno Jail construction. Additionally, to re-appropriate $487,610 from the sale of Fire Bond proceeds and to appropriate $1,993,370 from Fire Bond interest earnings to fund construction expenses for Fire Station 2 for the Department of Public Works for fiscal year 2004-2005.

(Fiscal impact.)

Enacted Number: 60-05
FINALLY PASSED

050137 **[Public Employment - Various Departments]** Supervisor McGoldrick

Ordinance amending Ordinance No. 198-04 (Annual Salary Ordinance 2004/2005) reflecting the deletion of 7.4 positions at Airport Commission, Department of Human Resources, Human Services Agency, Public Health, Public Works, Recreation and Park, Human Rights Commission, and the Department on the Status of Women.

(Fiscal impact.)

Enacted Number: 62-05

FINALLY PASSED

Recommendations of the Rules Committee

050061 [Real Property Reporting and Planning] Supervisors Elsbernd, Alioto-Pier, Mirkarimi, Peskin

Ordinance adding Section 23.8 to the San Francisco Administrative Code to establish a City policy that all City departments report annually to the Real Estate Division certain real property information, that relevant property information be recorded and geographically displayed in the Real Estate Information System (REIS), and the Director of Property prepare an annual report to the Board of Supervisors with real property asset management recommendations.

Enacted Number: 59-05

FINALLY PASSED

050459 [Appointment - Children and Families First Commission]

Resolution appointing Hector Melendez, term ending April 29, 2006, to the Children and Families First Commission.

Hector Melendez, succeeding Margaret Brodkin, seat 5, resigned, must represent one or more of the following: children services, public health services; behavioral health services, social services and tobacco and other substance abuse prevention and treatment services; recipients of project services included in the county strategic plan; educators specializing in early childhood development; representatives of a local child care resource or referral agency, the Child Care Planning and Advisory Council or another local child care coordinating group; representatives of a local organization for prevention or early intervention for families at risk; representatives of community-based organizations that have the goal of promoting and nurturing early childhood development; representatives of local school districts; and representatives of local medical, pediatric, or obstetric associations or societies, for the unexpired portion of a four-year term ending April 29, 2006.

Enacted Number: 234-05

ADOPTED

050460 [Appointment - Commission on the Aging Advisory Council]

Resolution appointing Sharon Eberhardt, term ending March 31, 2007, to the Commission on the Aging Advisory Council.

Sharon Eberhardt, succeeding Leonard Ke, term expired, seat 9, must be nominee of District 11 Supervisor, for a two-year term ending March 31, 2007.

Enacted Number: 235-05

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 2 - Daly, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the City Operations and Neighborhood Services Committee

050071 **[Shopping Cart Signage and Security Requirements]** Supervisor Ma

Ordinance amending Part II, Chapter X, of the San Francisco Municipal (Public Works) Code by adding Sections 1410-1414, requiring permanently affixed signs on shopping carts, requiring businesses with carts to post signs prohibiting removal from premises and to secure all carts during hours business is closed.

Supervisor Ma, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 2 - Daly, Sandoval

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 7 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin
Noes: 2 - Ammiano, Mirkarimi
Excused: 2 - Daly, Sandoval

Recommendation of the Land Use Committee

041071 **[Amending Planning Code Section 703.3 to prohibit formula retail uses in the North Beach Neighborhood Commercial District]** **Supervisor Peskin**

Ordinance to amend the Planning Code by amending section 703.3 to prohibit formula retail uses in the North Beach Neighborhood Commercial District and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Enacted Number: 65-05

FINALLY PASSED by the following vote:

Ayes: 7 - Ammiano, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 2 - Alioto-Pier, Elsbernd
Excused: 2 - Daly, Sandoval

Recommendation of the Rules Committee

041571 **[Chapter 6 Technical Amendments]** **Supervisors Ma, Peskin**

Ordinance amending San Francisco Administrative Code Chapter 6 to update section 6.2, to add new section 6.9 concerning subcontractor limitation of rights, to add new subsection 6.20(F) for a bidder prequalification process, to add new subsection 6.21(A)(10) to allow a specification requirement for contractor work with its own forces, to revise subsection 6.21(C) to allow a department head to reject all bids, to revise subsection 6.22(J) concerning retention of progressive payments, to add a new subsection 6.22(Q) concerning public work contract claims, to revise section 6.41 concerning subsequent phase competition for design services, to revise section 6.60 emergency contracting procedures, to revise section 6.61 design-build contracting procedures, to revise section 6.62 job order contracting procedures, to revise 6.64 as-needed contracting procedures, and to revise section 6.65 special service contracting procedures.

Enacted Number: 58-05

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 2 - Daly, Sandoval

From the Rules Committee Without Recommendation

050136 **[Requiring departments to use interdepartmental mail]** **Supervisor Ma**

Ordinance amending Chapter 8 of the Administrative Code by adding a new section 8.17 to require departments to use interdepartmental mail subject to certain limited exceptions.

Enacted Number: 61-05

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 2 - Daly, Sandoval

NEW BUSINESS

Recommendation of the City Operations and Neighborhood Services Committee

050178 **[Regulations for Junk Dealers]** **Supervisor Maxwell**

Ordinance amending San Francisco Municipal (Police) Code Part II, Chapter VII Sections 974.1, 974.4, 974.11, 974.12, 974.14, 974.15, 974.21 and 974.22, and by renumbering and amending 974.10-1, to align definitions to those of the California Business and Professions Code and to define "buy book", require that a permit applicant include additional information in the permit application, including a requirement that a permit holder inform the Police Department if the business will engage in welding, use of a propane tank, or cutting torches operated by compressed gasses and provide copies of permits for those activities; expand the types of information that the Chief of Police may consider in determining whether to grant the permit including convictions for fraud and crimes related to the environment, permit revocations from other government agencies, and civil penalties imposed related to the operation of a junk dealer or hazardous material or the environment; provide examples of types of "cause" that would justify a revocation of the permit and clarify that the standard of proof is a preponderance of the evidence; clarify the prohibition of operating at another location not listed on the permit; set forth the rules under which the permit holder operates, including a requirement that the permit holder keep all items purchased in the same condition for five days, allow non-peace officer who have the authority to enforce rules and regulations on the premises to inspect, maintain a record of all purchases that includes requiring the seller to produce a valid form of identification for each transaction, maintain the "buy book" in serial-number order for a period of three years and to allow inspection of the book, maintain the sidewalk and other areas adjacent to the premises clear of obstacles, trash and debris, and prevent loitering; clarify that a violation of these provisions is a misdemeanor; and grant the Chief of Police authority to temporarily

suspend operation of the business if it presents an immediate threat to the public health and safety; adding Sections 974.10-2 and 974.14-2 to require the permit holder to provide current information to the Chief on an annual basis and to require the Chief to make a determination of whether to move to revoke the permit; and to prohibit the junk dealer from making purchases (1) from anyone who does not have a valid identification, (2) of parts that contain hazardous materials; and (3) of goods that may be stolen; repealing Sections 974.18, 974.19 and 974.24 to repeal the holding period exemption for purchases from other junk dealers; repeal the prior requirements for buy books, and repeal the provision regarding pre-existing permits.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 2 - Daly, Sandoval

Recommendations of the Land Use Committee

050181 **[General Plan amendments in connection with the Transbay Redevelopment Plan]** **Mayor, Supervisor Daly**

Ordinance amending the San Francisco General Plan in connection with the Transbay Redevelopment Plan and adopting environmental findings and findings that the amendments are consistent with the General Plan and eight priority policies of Planning Code Section 101.1.

(Companion measure to Files 050181, 050182, 050183, and 050184.)

Continued to April 5, 2005

Supervisor Ammiano, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 2 - Daly, Sandoval

050182 **[Zoning - Planning Code amendments in connection with the Transbay Redevelopment Plan]** **Mayor, Supervisor Daly**

Ordinance amending the Planning Code to add Sections 249.27, 263.18, 825, and 825.1 to establish special zoning controls in connection with the Transbay Redevelopment Plan; amending Planning Code Section 270 to reflect the new zoning changes to bulk controls set forth in Section 263.18; adopting environmental findings and findings that the amendments are consistent with the General Plan and eight priority policies of Planning Code Section 101.1.

Continued to April 5, 2005

Supervisor Ammiano, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin

Excused: 2 - Daly, Sandoval

050183 **[Zoning Map amendments in connection with the Transbay Redevelopment Plan]** Mayor, Supervisor Daly

Ordinance amending the San Francisco Planning Code by amending Sectional Map 1, 1H, and 1SU of the Zoning Map of the City and County of San Francisco in connection with the Transbay Redevelopment Plan and an associated special use district with the Redevelopment Plan Project Area and adopting environmental findings and findings that the amendments are consistent with the General Plan and eight priority policies of Planning Code Section 101.1.

Continued to April 5, 2005

Supervisor Ammiano, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 2 - Daly, Sandoval

041688 **[Residential Rent Ordinance, Additional Keys]** Supervisor Daly

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.13 "Keys" to provide that: the landlord must provide additional keys/key-sets within fourteen (14) days of a tenant's written request unless the landlord denies the request in writing within that time period (the current ordinance does not set a deadline for providing the additional keys/key-sets), and failure to respond within the fourteen days constitutes a substantial decrease in housing services; the landlord may charge only for documented replication costs and may not require other charges or deposits or terms or conditions of any kind, and imposing such other terms or conditions constitutes a substantial decrease in housing services; a tenant's petition to the Rent Board to decide a disputed request may include a failure to respond within fourteen days, or a disagreement regarding terms or conditions for the additional keys/key-sets; and, unreasonable denial of additional keys/key-sets also constitutes a "substantial" decrease in housing services (the word "substantial" is new in this provision).

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 2 - Daly, Sandoval

041748 **[Development Agreements]** Supervisor Daly

Ordinance amending the San Francisco Administrative Code by amending Sections 56.2 and 56.3 to allow a housing project to enter into a Development Agreement with the City if the project has a minimum of 1,000 units, includes two or more buildings, will be built on a site exceeding two and one-half acres, and provides public benefits beyond those achievable through existing ordinances and regulations; adopting findings under the California Environmental Quality Act.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 2 - Daly, Sandoval

Recommendations of the Rules Committee

050458 **[Appointment - Community Choice Aggregation Citizens Advisory Task Force]**

Resolution appointing Paul Fenn and Ron Dicks, terms ending May 31, 2006, to the Community Choice Aggregation Citizens Advisory Task Force.

Paul Fenn, new appointment, seat 1, must be an expert on Community Choice Aggregation, for the unexpired portion of a two-year term ending May 31, 2006. Ron Dicks, new appointment, seat 4, must be a representative of labor, for the unexpired portion of a two-year term ending May 31, 2006.

Enacted Number: 233-05

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 2 - Daly, Sandoval

050461 **[Appointment - Shelter Monitoring Committee]**

Resolution appointing Bruce Allison, Christoph Jones and Diana Valentine, terms ending November 23, 2006, to the Shelter Monitoring Committee.

Bruce Allison, new appointment, seat 1, must be homeless or formerly homeless, for the unexpired portion of a two-year term ending November 23, 2006. Christoph Jones, new appointment, seat 2, must be homeless or formerly homeless, for the unexpired portion of a two-year term ending November 23, 2006. Diana Valentine, new appointment, seat 3, must have experience providing direct services to the homeless through a community setting, for the unexpired portion of a two-year term ending November 23, 2006.

Enacted Number: 236-05

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 2 - Daly, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Elsbernd, seconded by Supervisor Dufty, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 2 - Daly, Sandoval

Supervisor Elsbernd introduced, welcomed and presented a Certificate of Honor to representatives of the San Francisco Fire Department, San Francisco Police Department and the Recreation and Park Department in recognition of the "SF Youth Baseball".

Recess

The Board recessed at the hour of 3:40 p.m.

Reconvening of the Board

The Board at the hour of 4:03 p.m. reconvened.

Calling the Roll

On call of the roll, the following Supervisors were noted present:

Supervisors Alioto-Pier, Ammiano, Dufty, Elsbernd, Maxwell,

Mirkarimi, Peskin - 7

Quorum present.

Supervisor Ma was noted present at 4:04 p.m.

Supervisor McGoldrick was noted present at 4:25 p.m.

SPECIAL ORDER 4:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

050425 **[Hearing - Emergency Ordinance reenacting a Disadvantaged Business Enterprise Program]**
Hearing to consider the possible adoption of an emergency ordinance

reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency. (Clerk of the Board)

The President inquired as to whether or not a member of the public wished to address the Board.

Male Speaker; expressed concern with the Emergency Ordinance and Sunshine Compliance issues

Aileen Clarke Hernandez; Coalition for Economic Equity, support of a Emergency Ordinance for Disadvantaged Business Enterprise Program

Former Supervisor and Assessor, Doris Ward; support of a Emergency Ordinance for Disadvantaged Business Enterprise Program

Representative from Lawyers for Civil Rights; expressed concern of delays in passing of a permanent Disadvantaged Business Enterprise Program Ordinance

Grant Mickins, Past Executive Director of the Human Rights Commission; expressed concern of delays in passing of a permanent Disadvantaged Business Enterprise Program Ordinance

Todd Lewis, Local Suppliers; support of a permanent Disadvantaged Business Enterprise Program Ordinance

Rod Sadhai; Asian Indian Association, support of a permanent Disadvantaged Business Enterprise Program Ordinance

Chi-Hsin Shao, Asian Architects and Engineers; support of a permanent Disadvantaged Business Enterprise Program Ordinance

Ann Cervantes; support of support of a permanent Disadvantaged Business Enterprise Program Ordinance

Eddy Lau; Council of Asian American, support of a permanent Disadvantaged Business Enterprise Program Ordinance

Sam Kwong; support of support of a permanent Disadvantaged Business Enterprise Program Ordinance

Female Speaker; support of support of a permanent Disadvantaged Business Enterprise Program Ordinance

The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

Committee of the Whole Adjourn and Report Without Recommendation

050426 **[Reenacting a Disadvantaged Business Enterprise Program]** **Supervisor Ammiano**

Emergency Ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

Enacted Number: 63-05

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 2 - Daly, Sandoval

SPECIAL ORDER 4:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

Supervisor McGoldrick noted present at 4:30 p.m.

050480 **[Public Hearing - Ordinance approving and adopting the Redevelopment Plan for the Transbay Redevelopment Project area]**

Hearing to consider the possible adoption of an Ordinance approving and adopting the Redevelopment Plan for the Transbay Redevelopment Project area; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan and related documents and agreements (including a Tax Increment Allocation and Sales Proceeds Pledge Agreement and an Option Agreement with the Redevelopment Agency of the City and County of San Francisco and the Transbay Joint Powers Authority) are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to the California Community Redevelopment Law, including findings pursuant to Sections 33445 and 33679; authorizing official acts (including the execution of agreements) in furtherance of this ordinance. (Clerk of the Board)

Mike Grisso, Redevelopment Agency reviewed with the Board the Transbay Redevelopment Plan

Josh Lewinsky, Planning Department; reviewed with the Board the Planning Commission recommendations for the Transbay Redevelopment Plan

Elaine Forbes, Budget Analyst, reviewed with the Board the Budget Analyst's report on the Transbay Redevelopment Plan

Speakers:

Herman H. Fitzgerald; opposed the Transbay Redevelopment Plan

Claude Gruen; opposed to Transbay Redevelopment Plan

Elizabeth Prentice; expressed concern over costs for plan

Anne Beer, co-owner of 572 Folsom Street, request to remove property from the Redevelopment Transbay Plan

Catherine Abbassi, Resource & Design, Inc, owner of 272 Main Street owner; expressed concern with the Redevelopment Transbay Plan

Norman Rolf; supported the Redevelopment Transbay Plan

John Gassner; Friends of Second Street, expressed concern with the Redevelopment Transbay Plan

Elizabeth, Joint Powers Authority; supparted the Redevelopment Transbay Plan

President, Rincon Hill Association; supported the Redevelopment Transbay Plan

Emilio Cruz; supported the Redevelopment Transbay Plan

Peter Hartman; Community Advisor Committee, supported the Redevelopment Transbay Plan

Barry Sander; supported the Redevelopment Transbay Plan

James Reuben, representing various property owners; informed Board that He has submitted changes to the Redevelopment Transbay Plan to the Planning Department

Jim Haas, Member of Transbay Citizens Committee; supported the Redevelopment Transbay Plan and expressed concern for funding for the Transbay Terminal

Bob Myers, Citizens Advisory Committee; expressed gratitude to the staff of the Redevelopment Agency and Planning Department;supported the Redevelopment Transbay Plan and expressed concern for the funding for the

HEARD AT PUBLIC HEARING.

Committee of the Whole Adjourn and Report Without Recommendation

050184 [Adopting the Redevelopment Plan for the Transbay Redevelopment Project] **Mayor, Supervisor Daly**

Ordinance approving and adopting the Redevelopment Plan for the Transbay Redevelopment Project area; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan and related documents and agreements (including a Tax Increment Allocation and Sales Proceeds Pledge Agreement and an Option Agreement with the Redevelopment Agency of the City and County of San Francisco and the Transbay Joint Powers Authority) are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to the California Community Redevelopment Law, including findings pursuant to Sections 33445 and 33679; authorizing official acts (including the execution of agreements) in furtherance of this ordinance.

(Fiscal impact.)

Continued to April 5, 2005

Supervisor Ammiano, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 2 - Daly, Sandoval

SPECIAL ORDER 4:00 P.M.

Supervisor Dufty noted absent at 6:15 p.m.

050365 **[Public Hearing - Appeal of Final Mitigated Negative Declaration for 787 (aka 785) Brannan Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department adopted and issued on February 7, 2005, Case 2004.0560E, approving a Final Mitigated Negative Declaration for the proposed construction of a 5-story, approximately 50-foot tall, 29,653 gross-square-foot (gsf) residential building with 56 single room occupancy (SRO) units. The second through fifth floors would include 12 SRO units on each. No off-street parking or off-street loading would be provided. A 900-square foot roof deck would be provided as common usable open space meeting the requirements of Planning Code. The project site is 6,124 square feet in size and currently used as a surface parking lot, located on the northeast corner of Brannan Street and Gilbert Street in the South of Market District. Pedestrian access to the building lobby and the community room would be through one door mid-lot on Brannan. All of the units would be rental units designated as permanently affordable to households with income not exceeding 50% of the City's median income. The project site is zoned SLI (Service Light Industrial) and is within a 50-X Height and Bulk District. Conditional Use authorization is required for SRO units in the SLI district, and parking, rear yard, and permitted obstruction variances would be required for the proposed project. The project is located at 787 (aka 785) Brannan Street, Assessor's Block 3784, Lot 18. (Appellants: Gerrie Scott representing Citizens for Cleaner, Safer SOMA, Anusha Chari, Nathan Letts, et al.)

(Filed February 23, 2005; companion measure to Files 050366, 050367, 050368; District 6.)

Gerrie Scott; Appellant, Citizens for Cleaner, Safer, SOMA

Bill Grazziano; support of appellant

Scott Krieger; support of appellant

Mitchell Swob; support of appellant

Tom Kohler; support of appellant

Darla Swab; support of appellant

Joan Navaretti, Planning Department, reviewed with the Board the Planning Department's decision.

Alice Barkley, Attorney for project sponsor

Sam Dodge, Tenderloin Housing; support of project sponsor

James Fallon; support of project sponsor

Joe Donoghue, Residential Builders; support of project sponsor

Rebuttal Period. Gerrie Scott, Appellant

President inquired as to whether or not a member of the public wished to address the Board.

The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the negative declaration decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

050366 **[Affirming adoption of the negative declaration for 787 (aka 785) Brannan Street]**

Motion affirming Planning Commission adoption of the final negative declaration for 787 (aka 785) Brannan Street. (Clerk of the Board)

Enacted Number: M05-38

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved that

this Motion be APPROVED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Dufty
Excused: 2 - Daly, Sandoval

050367 **[Reversing adoption of the negative declaration for 787 (aka 785) Brannan Street]**

Motion reversing the Planning Commission adoption of the final negative declaration for 787 (aka 785) Brannan Street. (Clerk of the Board)

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Dufty
Excused: 2 - Daly, Sandoval

050368 **[Preparation of findings to reverse adoption of the negative declaration for 787 (aka 785) Brannan Street]**

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the negative declaration for 787 (aka 785) Brannan Street. (Clerk of the Board)

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Dufty
Excused: 2 - Daly, Sandoval

Supervisor Dufty noted present at 6:50 p.m.

SPECIAL ORDER 5:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

Supervisor McGoldrick noted absent at 6:55 p.m.

Appointment of President Pro Tempore

At the request of the President, Supervisor Mirkarimi assumed the Chair.

The President resumed the Chair shortly thereafter.

050511 **[Hearing - Interim Moratorium on Medical**

Cannabis Dispensaries]

Hearing to consider the possible adoption of an Urgency ordinance approving an interim zoning moratorium throughout the City for 45 days on clubs or dispensaries where marijuana is grown, purchased or distributed with a medical recommendation and making required findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings. (Clerk of the Board)

President inquired as to whether or not a member of the public wished to address the Board.

Elizabeth Prentice; support of patient needs

Karen Masonhermer; support of Emergency Interim Moratorium on Medical Cannabis

Wayne Justmann; support of Emergency Interim Moratorium on Medical Cannabis

Steph Scherer; support of Emergency Interim Moratorium on Medical Cannabis

Erica Montana; support of Emergency Interim Moratorium on Medical Cannabis

Female speaker; support of Emergency Interim Moratorium on Medical Cannabis

Ms. Webster; support of Emergency Interim Moratorium on Medical Cannabis

Emmet Gillman; support of Emergency Interim Moratorium on Medical Cannabis

Martin Olive, Vapor Room Herbal Center; support of Emergency Interim Moratorium on Medical Cannabis

Bruce Blalock; expressed concerns with Emergency Interim Moratorium on Medical Cannabis

Alan Novell; support of Emergency Interim Moratorium on Medical Cannabis

Clark Sullivan; opposed to Emergency Interim Moratorium on Medical Cannabis

Tom Kohler; support of Emergency Interim Moratorium on Medical Cannabis

Laura Weil; support of Emergency Interim Moratorium on Medical Cannabis

Allison Kohler; support of Emergency Interim Moratorium on Medical Cannabis

Michelle Aldrich; support of Emergency Interim Moratorium on Medical Cannabis

Michael Aldrich; support of Emergency Interim Moratorium on Medical Cannabis

Hilary Maag; support of Emergency Interim Moratorium on Medical Cannabis

Laurie Galbreath; support of Emergency Interim Moratorium on Medical Cannabis

Collin Bode; support of Emergency Interim Moratorium on Medical Cannabis

Health Center representative; support of Emergency Interim Moratorium on Medical Cannabis

Female speaker; support of Emergency Interim Moratorium on Medical Cannabis but expressed concern regarding the

HEARD AT PUBLIC HEARING.

Committee of the Whole Adjourn and Report Without Recommendation

050512 **[Zoning - Interim Moratorium on Medical Cannabis Dispensaries]** — **Supervisors Mirkarimi, Alioto-Pier, Maxwell, Peskin, McGoldrick, Elsbernd, Ammiano, Ma, Dufty**

Urgency ordinance approving an interim zoning moratorium throughout the City for 45 days on clubs or dispensaries where marijuana is grown, purchased or distributed with a medical recommendation and making required findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

Enacted Number: 64-05

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 2 - Daly, Sandoval

COMMITTEE REPORTS

050184 **[Adopting the Redevelopment Plan for the Transbay Redevelopment Project]** — **Mayor, Supervisor Daly**

Ordinance approving and adopting the Redevelopment Plan for the Transbay Redevelopment Project area; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan

and related documents and agreements (including a Tax Increment Allocation and Sales Proceeds Pledge Agreement and an Option Agreement with the Redevelopment Agency of the City and County of San Francisco and the Transbay Joint Powers Authority) are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to the California Community Redevelopment Law, including findings pursuant to Sections 33445 and 33679; authorizing official acts (including the execution of agreements) in furtherance of this ordinance.

(Fiscal impact.)

ROLL CALL FOR INTRODUCTIONS

need to put back in the words

PUBLIC COMMENT

Abdullah Megaheed; expressed concern regarding homeless issues

Ms. P. Moore; expressed concern regarding SFPD misconduct issues

Male Speaker; thanked the Board for appointing him to Shelter Monitoring Committee

Male Speaker; requesting a resolution for SF Giants

John DiDonna; expressed concern regarding killings

Eugene Gordon Jr. expressed concern general issues

Francisco di Costa; showed support for the Budget Analyst's Audit for Public Utilities and future audits

CLOSED SESSION

050463 **[Closed Session - Existing Litigation, Potential Litigation]** **Supervisor Ammiano**

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following bankruptcy matter (Chapter 11) in which the City and County of San Francisco is an active participant, and to consider the possibility of affirmative litigation in light of the status of the bankruptcy matter listed below:

Government Code Section 54956.9(a) and San Francisco Administrative Code

Section 67.10(d)(1) and (2) permit this closed session. Discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the pending lawsuit listed below.

In Re: PACIFIC GAS AND ELECTRIC COMPANY, Debtor
U. S. Bankruptcy Court, Northern District of California, No. 01-30923 DM
Federal I. D. No. 94-0742640
Date Filed: 4/6/01

Supervisor Ammiano, seconded by Supervisor Maxwell, moved to convene in Closed Session. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 2 - Daly, Sandoval

Recess

The Board recessed at the hour of 3:04 p.m. to convene in closed session pursuant to the above motion.

Reconvening of the Board

The Board at the hour of 3:33 p.m. reconvened.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick,, Mirkarimi, Peskin - 9

Report on Closed Session

Deputy City Attorney Cheryl Adams, reported that the Board of Supervisors has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9(a) for the purpose of conferring with, or receiving advice from, the City Attorney regarding the above pending litigation.

Persons in attendance:

Supervisors Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin

Cheryl Adams, Deputy City Attorney

Theresa Mueller, Deputy City Attorney

Ed Harrington, Controller

Gloria L. Young, Clerk of the Board

Kay Gulbengay, Deputy Clerk

The meeting was informational only and no action was taken.

[Elect Not to Disclose] Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

Supervisor Ammiano, seconded by Supervisor Maxwell, moved not to disclose it's Closed Session deliberations. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 2 - Daly, Sandoval

Continued to April 12, 2005

Supervisor Ammiano, seconded by Supervisor Maxwell, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 2 - Daly, Sandoval

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

050510 [Committee of the Whole - March 29, 2005, at 5:00 p.m.] — **Supervisor Mirkarimi**

Motion for the Board of Supervisors to convene as a committee of the whole on March 29, 2005, at 5:00 p.m. to accept public testimony concerning the possible adoption of an urgency ordinance approving an interim zoning moratorium throughout the City for 45 days on clubs or dispensaries where marijuana is grown, purchased or distributed with a medical recommendation and making required findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

Enacted Number: M05-39
APPROVED

050514 [Joint Powers Agreement with the San Francisco Health Authority] — **Supervisors Ammiano, Daly, Mirkarimi, Elsbernd, McGoldrick,**

Dufty, Ma

Resolution approving Joint Powers Agreement with the San Francisco Health Authority to create a Joint Powers Authority to operate the Non-Medi-Cal health plans currently operated by the San Francisco Health Authority.

Supervisor Ma requested to be as a co-sponsor.

Enacted Number: 237-05

ADOPTED

050515 [Commending Double Rainbow Ice Cream] Supervisor Daly

Resolution commending Double Rainbow Ice Cream for 25 years of community service, and their dedication in improving the lives of youth, chronically ill, and homeless individuals in San Francisco.

Enacted Number: 238-05

ADOPTED

050516 [Recycling assistance renewal] Supervisor Dufty

Resolution authorizing the San Francisco Department of the Environment to submit an application for the renewal of a Recycling Market Development Zone designation for the purpose of assisting recycling-based businesses to develop recycled material markets in San Francisco.

Enacted Number: 239-05

ADOPTED

050517 [National Public Health Week] Supervisor Ma

Resolution recognizing April 4-10, 2005, as National Public Health Week in the City and County of San Francisco.

Enacted Number: 240-05

ADOPTED

050518 [San Francisco Veterans Affairs Medical Center] Supervisors Ma, Elsbernd

Resolution commending the accomplishments and innovations of the San Francisco Veterans Affairs Medical Center's robust research program.

Supervisor Elsbernd requested to be added as a co-sponsor.

Enacted Number: 248-05

ADOPTED

050519 [Accept-Expend Federal Grant - 2005 Mayor's Summer Food Service Program] Supervisor Maxwell

Resolution authorizing the Department of Children, Youth and Their Families to accept and expend a grant in the amount of $743,450 from the United

States Department of Agriculture for the 2005 Mayor's Summer Food Service Program.

Enacted Number: 241-05
ADOPTED

050520 **[Support of Cleaner School Buses for the San Francisco Unified School District]** **Supervisors Maxwell, Ammiano**

Resolution supporting Cleaner School Buses for the San Francisco Unified School District and urging the School District to aggressively pursue a new bus contract that would adhere to all the goals of the city to run clean, low-emission buses.

Enacted Number: 247-05
ADOPTED

050521 **[Urging Governor Schwarzenegger and the California Legislature to ensure that California gets its fair share of federal funding]** **Supervisor McGoldrick**

Resolution urging Governor Arnold Schwarzennegger, the California Congressional Delegation, and the State Legislature to work together to ensure that the 2006 federal budget now under consideration provides California its fair share of federal funding.

Enacted Number: 242-05
ADOPTED

050523 **[Urging Governor Schwarzenegger to re-visit California's "Three Strikes" law]** **Supervisor McGoldrick**

Resolution urging Governor Schwarzenegger to re-visit the "Three Strikes" law adopted by California voters and the state legislature in 1994.

Enacted Number: 246-05
ADOPTED

050524 **[California National Guard and the War in Iraq]** **Supervisors McGoldrick, Mirkarimi, Daly**

Resolution urging the Governor of California to request the Pentagon, the President and Congress to take steps to withdraw California National Guard troops from Iraq.

Enacted Number: 245-05
ADOPTED

050539 **[Far West Fungi Day]** **Supervisors Peskin, Maxwell, Ammiano,**

Alioto-Pier, Ma

Resolution declaring April 1, 2005 Far West Fungi Day in San Francisco.

Enacted Number: 243-05
ADOPTED

050538 **[Supporting the Youth Commission's leadership and participation in the Department of Children, Youth, and Families' 3% Youth Initiated Projects Initiative]** **Supervisor Peskin**

Motion supporting the Youth Commission's leadership and participation in the Department of Children, Youth, and Families' 3% Youth Initiated Projects Initiative.

Enacted Number: M05-40
APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 2 - Daly, Sandoval

Severed from Without Committee Reference Agenda

Supervisor Elsbernd requested that this matter be severed so that this matter be considered separately.

050522 **[Urging the Mayor to release funds to the Department of Public Health]** **Supervisor McGoldrick**

Resolution urging the Mayor to release funding for the Department of Public Health to fund Public Health Nurses, Senior Medical Social Workers, and a Health Care Billing Clerk in FY 04-05.

Continued to April 5, 2005

Supervisor Elsbernd, seconded by Supervisor Dufty, moved that this Resolution be CONTINUED. The motion carried by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 2 - Daly, Sandoval

Supervisor Peskin requested that this matter be severed so that this matter be considered separately.

050540 **[Traffic Conditions on Telegraph Hill Boulevard]** **Supervisor Peskin**

Resolution urging the Municipal Railway, Department of Parking and Traffic and Recreation and Parks Department to implement a Public Transit and Traffic Facilitation Pilot Program on Telegraph Hill Boulevard in the summer of 2005.

REFERRED to the City Operations and Neighborhood Services Committee.

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding.Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding] Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Dufty, seconded by Supervisor McGoldrick, moved ADOPTION of the Commendatory Finding. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 2 - Daly, Sandoval

[Brown Act Finding] Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Dufty, seconded by Supervisor McGoldrick, moved ADOPTION of the Brown Act Finding. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 2 - Daly, Sandoval

050552 **[Commending Giants Community Fund]** **Supervisor Dufty**

Resolution commending the Giants Community Fund for its community involvement, including its support of Junior Giant summer leagues across three states, and by providing assistance to targeted communities in the areas of education, health and violence prevention.

Enacted Number: 244-05

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 2 - Daly, Sandoval

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

050547 [Soil Boring and Well Regulation Ordinance] Supervisor Peskin

Ordinance amending the San Francisco Health Code by deleting Section 659 and adding a new Article 12B to establish a regulatory program for the construction, modification, operation, and destruction of soil borings and wells, including both non-production and water wells, to protect the public health and safety and the integrity of the City's groundwater resources by requiring anyone who proposes to construct, modify, operate, maintain or destroy a well or soil boring to obtain a permit; amending Section 249.13 of the San Francisco Business and Tax Regulations Code to set forth the annual fee for the permit; and amending Section 3101 of the Health Code to renumber the reference to section 659 of the Health Code to Article 12B.

3/29/05, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 4/28/2005. 4/5/05 - Referred to Planning for environmental impact review and to Public Health.

050548 [Settlement of Lawsuit - ARCO et al.] Supervisor Alioto-Pier

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, acting by and through its Airport Commission, against The Hertz Corporation and BP/Atlantic Richfield, for the payment to the Airport of environmental clean-up costs with regard to City and County of San Francisco v. ARCO et al., Case No. C-97-2965 MMC (N.D. Cal).

3/29/05, RECEIVED AND ASSIGNED to Rules Committee.

050551 [Graffiti Advisory Board] Supervisors Elsbernd, Ammiano, Dufty

Ordinance amending the San Francisco Administrative Code by amending Section 5.170 regarding the Graffiti Advisory Board to authorize four members to serve as voting, rather than nonvoting, members, to add a representative of the District Attorney as a voting member, and to correct the reference to a Charter section.

3/29/05, RECEIVED AND ASSIGNED to Rules Committee.

Resolutions

050553 [Subcontract agreement funds for a chronic hepatitis electronic registry system] Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into a subcontract agreement in the amount of $108,944 with Public Health Foundation Enterprises Inc. (PHFE), the primary contractor, to fund a chronic hepatitis electronic registry system;

for the period of December 30, 2004, through December 29, 2005.
3/29/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

050554 **[Traffic Regulations - Potrero Avenue Corridor]** **Supervisor Ammiano**
Resolution enacting and rescinding various parking and traffic regulations on the Potrero Avenue Corridor including lane reductions, crosswalk improvements, north and south bound bicycle lanes and a northbound bus lane at various locations on Potrero Avenue, between 17th and 25th Streets.

BIKE LANES - ESTABLISH
Potrero Avenue, northbound and southbound from 17th Street to 50 feet south of 25th Street;

BUS, TAXI AND RIGHT TURN ONLY LANE - ESTABLISH
Potrero Avenue, northbound, from 220 feet south of 23rd Street to 100 feet north of 22nd Street;

NO LEFT TURNS - ESTABLISH
Potrero Avenue, northbound, at 23rd Street;
Potrero Avenue, northbound, at 25th Street;
Potrero Avenue, southbound, into San Francisco General Hospital driveway south of 21st Street;

NO LEFT TURNS - RESCIND
Potrero Avenue, southbound, at 17th Street;

NO LEFT TURNS 3:30 PM TO 7 PM MONDAY THROUGH FRIDAY - RESCIND
Potrero Avenue, northbound, at 24th Street.

NO U-TURNS - ESTABLISH
Potrero Avenue, southbound, at 22nd Street;
Potrero Avenue, northbound, at 22nd Street.;

TOW-AWAY, NO STOPPING ANY TIME - ESTABLISH
Potrero Avenue, east side, from 50 feet south of 23rd Street to 23rd Street;
Potrero Avenue, east side, from 23rd Street to the existing bus bulb, 310 feet north of 23rd Street;
Potrero Avenue, east side from 50 feet south of 22nd Street to 22nd Street;
Potrero Avenue, east side, from 22nd Street north to 160 feet north of 22nd Street.

TOW-AWAY, NO STOPPING 7 AM - 9 AM and 4 PM - 6 PM, MONDAY - FRIDAY - ESTABLISH

23rd Street, north side, from Potrero Avenue to 75 feet easterly;
23rd Street, south side, from Potrero Avenue to 52 feet westerly;

CROSSWALK CLOSURE
Potrero Avenue, north side at 23rd Street (western leg);

MIDBLOCK CROSSWALK - ESTABLISH
Potrero Avenue, approximately 360 feet north of the 23rd Street (west) intersection.

3/29/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood

Services Committee. 4/5/05 - Referred to Parking and Traffic for review and determination of environmental impact. 4/13/05 - Referred to Planning for review and determinationf of environmental impact at the request of Parking and Traffic.

050555 [Traffic Regulations - Bike Lanes on Lake Street] Supervisor McGoldrick

Resolution enacting bike lanes on Lake Street.

BIKE LANES - ESTABLISH
Lake Street, both directions, between Arguello Boulevard and 3rd Avenue.

(3/24/05: Categorically exempt from EnvironmentalReview Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

3/29/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

050558 [Supporting Day of Silence] Supervisors Ammiano, Dufty, Elsbernd

Resolution declaring April 13, 2005 as National Day of Silence in the City and County of San Francisco.

3/29/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050559 [Working Families Credit Day] Supervisors Ammiano, Dufty

Resolution declaring April 15, 2005 as Working Families Credit Day in the City and County of San Francisco and encouraging all working families in San Francisco that qualify to take advantage of the federal Earned Income Tax Credit.

3/29/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050560 [Week of the Young Child] Supervisors Ma, Dufty

Resolution recognizing and declaring April 2-10, 2005 as the "Week of the Young Child" in the City and County of San Francisco.

3/29/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050561 [Commending Martha Villazon] Supervisors Maxwell, Dufty

Resolution commending Martha Villazon for her service to the City and County of San Francisco.

3/29/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050562 [Senate Bill 1020 - Transportation Development Act Funds] Supervisor McGoldrick

Resolution urging the California State Legislature to support Senate Bill 1020 (Migden) authorizing local jurisdictions to double the current quarter percent sales tax dedicated to local transit and to maintain local streets and roads in rural counties.

3/29/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050563 [Exploring instituting voter preregistration system for high school students] Supervisors Mirkarimi, Ma, Elsbernd

Resolution calling for the City and County of San Francisco, in conjunction with the San Francisco Unified School District, to investigate the logistics, both administrative and legal, of establishing for the preregistration of high school students to vote in an effort to create universal voter registration.

3/29/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

050549 [Recreation & Parks Department's Playground Assessment Plan] Supervisor Ma

Hearing to review and discuss the Recreation & Parks Department's Playground Assessment Plan.

3/29/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 4/05/05 - Referred to Youth Commission.

050550 [Section 8 Housing in San Francisco] Supervisor Ma

Hearing to review and discuss Section 8 Housing in San Francisco, including, but not limited to the total number of people receiving the Housing Choice Voucher subsidy and the total number of applicants on the wait list.

3/29/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

050556 [Frisbee Golf Course in Golden Gate Park] Supervisor McGoldrick

Hearing to discuss the Frisbee Golf Course at Marks Meadow in Golden Gate Park.

3/29/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 4/5/05 - Referred to Youth commission.

050557 [2004-05 Civil Grand Jury Report - Police Department] Supervisor Peskin

Hearing on the recently published 2004-05 Civil Grand Jury report regarding compensation issues in the San Francisco Police Department.

3/29/05, RECEIVED AND ASSIGNED to Government Audit and Oversight

Committee.

Motions

050546 [Needle Exchange Emergency] Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

3/29/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES

050415 [Establishing a tour bus restriction on Baker Street]

Ordinance amending the San Francisco Police Code by adding Section 1183.35 to establish a tour bus restriction on Baker Street between Richardson Avenue and Union Street. (Parking and Traffic Department)

(3/14/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2975.)

3/21/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 3/28/05 - Advertised in the 4/6/05 edition of the SF Chronicle.

050420 [Establishing a tour bus restriction on Broderick Street]

Ordinance amending the San Francisco Police Code by adding Section 1183.36 to establish a tour bus restriction on Broderick Street between Richardson Avenue and Union Street. (Parking and Traffic Department)

(3/14/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2975.)

3/18/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 3/28/05 - Advertised in the 4/6/05 edition of the SF Chronicle.

050421 [Establishing a tour bus restriction on Chestnut

Street]

Ordinance amending the San Francisco Police Code by adding Section 1183.32 to establish a tour bus restriction on Chestnut Street between Lyon Street and Richardson Avenue. (Parking and Traffic Department)

(3/14/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2975.)

3/21/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 3/28/05 - Advertised in the 4/6/05 edition of the SF Chronicle.

050478 **[Establishing a tour bus restriction on Greenwich Street]**

Ordinance amending the San Francisco Police Code by adding Section 1183.33 to establish a tour bus restriction on Greenwich Street between Lyon and Divisadero Streets. (Parking and Traffic Department)

(3/14/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2975.)

3/21/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 3/28/05 - Advertised in the 4/6/05 edition of the SF Chronicle.

050479 **[Establishing a tour bus restriction on Filbert Street]**

Ordinance amending the San Francisco Police Code by adding Section 1183.34 to establish a tour bus restriction on Filbert Street between Lyon and Divisadero Streets. (Parking and Traffic Department)

(3/14/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2975.)

3/21/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 3/28/05 - Advertised in the 4/6/05 edition of the SF Chronicle.

050525 **[Establishing commercial vehicle weight restrictions on Broderick Street]**

Ordinance amending the San Francisco Traffic Code by adding Section 28.5.58 to establish a commercial weight restriction on Broderick Street between Richardson Avenue and Union Street. (Parking and Traffic Department)

(3-14-05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in

the use of the street; DPT Order No. 2974.)

3/21/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 3/28/05 - Advertised in the 4/6/05 edition of the SF Chronicle.

050526 **[Extending commercial vehicle weight restrictions on Chestnut Street]**

Ordinance amending the San Francisco Traffic Code by amending Section 28.5.9 to extend the commercial vehicle weight restriction on Chestnut Street to include Chestnut Street between Lyon and Broderick Streets. (Parking and Traffic Department)

(3-14-05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2974.)

3/21/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 3/28/05 - Advertised in the 4/6/05 edition of the SF Chronicle.

050527 **[Establishing commercial vehicle weight restrictions on Greenwich Street]**

Ordinance amending the San Francisco Traffic Code by adding Section 28.5.57 to establish a commercial vehicle weight restriction on Greenwich Street between Divisadero and Lyon Streets. (Parking and Traffic Department)

(3-14-05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2974.)

3/21/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 3/28/05 - Advertised in the 4/6/05 edition of the SF Chronicle.

050528 **[Establishing commercial vehicle weight restrictions on Filbert Street]**

Ordinance amending the San Francisco Traffic Code by adding Section 28.5.59 to establish a commercial weight restriction on Filbert Street between Divisadero and Lyon Streets. (Parking and Traffic Department)

(3-14-05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2974.)

3/21/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 3/28/05 - Advertised in the 4/6/05 edition of the SF Chronicle.

050529 **[Extending commercial vehicle weight**

restrictions on Baker Street]

Ordinance amending the San Francisco Traffic Code by amending Section 28.5.3, establishing a commercial vehicle weight restriction on Baker Street, by extending the restriction to include Baker Street between Union Street and Marina Boulevard. (Parking and Traffic Department)

(DPT Order No. 2974.)

3/21/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 3/28/05 - Advertised in the 4/6/05 edition of the SF Chronicle.

PROPOSED RESOLUTIONS

050414 **[Gift - Private]** **Supervisors Ma, Dufty**

Resolution authorizing the Department of Public Health, San Francisco General Hospital to accept a gift in the amount of $138,766 from the Avon Foundation, via the San Francisco General Hospital Foundation, for the purchase of technical and logistical services in support of the operation of the mobile mammography facility vehicle, donated to the City in 2004, by the University of California, San Francisco. The mobile mammography facility vehicle provides services to indigent and under-served women in San Francisco. (Public Health Department)

3/16/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: To report on the status of the repair on the sidewalk squares on the west side of the block of 800 Webster Street.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: To report on the status of repair or re-pavement of the rough road surface on Oak Street, between Gough and Franklin.

Please send copy to: Dennis Oliver, 1953 Page Street, San Francisco, CA 94117

From: Supervisor Mirkarimi

To: City Attorney

Requesting/Inquiring: To draft legislation reconstituting the process by

which the City and Police Department issues press passes and establishing an oversight process for reviewing denials or revocations of press cards.

From: Supervisor Elsbernd

To: General Manager, Public Utilities Commission (PUC)

Requesting/Inquiring: Inquiring if the PUC can establish adequate monitors and provisions in a timely manner for public notice at Lake Merced concerning water quality surveys taken at Lake Merced regarding the safe limit of E-coli bacteria for contact recreational use, as a result of the December survey that indicated an E-coli count of 985 MPN at the South Lake Pumping Station; nearly ten times the maximum acceptable limit? In addition, why did a more than three-month delay occur before the public was made aware of this December survey, and why is there a 30 day delay in publicly reporting survey results?

In Memoriams

Patricia Virginia Barbagelata (Entire Board)

Michael Boutin (Supervisor Ammiano)

Guadalupe Ramirez (Supervisor Dufty)

Michael Francis Carey (Supervisor Dufty)

George Cowhig (Supervisor Dufty)

Erick D. Ross (Supervisor Mirkarimi)

ADJOURNMENT

There being no further business the Board adjourned at the hour of 7:56 p.m.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on April 26, 2005.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.
Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.
Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.
Agenda are available on the internet at www.sfgov.org/bdsupvrs.bos.htm.
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Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.
Results of each Board meeting can be obtained about a half hour after the end of the meeting by telephoning (415) 554-5555.
Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.
AVISO EN ESPAŸOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7701

Disability access

The Legislative Chamber of the Board of Supervisors is in Room 250 of City Hall, 1 Dr. Carlton B. Goodlett Place. The Chamber is wheelchair accessible.
The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.
There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.
All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.
The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting. This advance notice will help ensure availability.
ú For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.
ú For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.
Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.
The Clerk of the Board's Office TTY number is (415) 554-5227.
In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102 by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org
Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine.htm

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

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